



BOGNOR REGIS TOWN COUNCIL

TOWN CLERK Glenna Frost, The Town Hall, Clarence Road,

Bognor Regis, West Sussex PO21 1LD

Telephone: 01243 867744

E-mail: bognortc@bognorregis.gov.uk

Dear Sir/Madam,

MEETING OF THE PLANNING AND LICENSING COMMITTEE

I hereby give you Notice that a Meeting of the Planning and Licensing Committee of the Bognor Regis Town Council will be held at The Town Hall, Clarence Road, Bognor Regis at **6.30pm on TUESDAY 7th AUGUST 2018.**

All Members of the Planning and Licensing Committee are **HEREBY SUMMONED** to attend for the purpose of considering and resolving upon the Business to be transacted, as set out hereunder. An opportunity will be afforded to **Members of the Public** to put **Questions** to the Committee during an adjournment shortly after the meeting has commenced. (NOTE: Members of the public will be asked to provide their names and addresses and are encouraged to put questions in advance, in writing. Priority will be given to written questions. Questions should be restricted to the functions of this Committee.)

Refreshments will be available and any donations to the Mayor's Charity will be gratefully received.

DATED this 30th day of JULY 2018

CLERK TO THE COUNCIL

THE AGENDA and BUSINESS to be TRANSACTED is:

1. Chairman's Announcements and Apologies for Absence
2. Declarations of Interest
Members and Officers are invited to make any declarations of Disclosable Pecuniary and/or Ordinary interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent and if not previously included on their Register of Interests to notify the Monitoring Officer within 28 days.
Members and Officers should make their declaration by stating:
 - a) the item they have the interest in
 - b) whether it is a Disclosable Pecuniary or Ordinary interest
 - c) the nature of the interest
 - d) if it is an Ordinary interest whether they intend to leave the room for the discussion and vote
 - e) if it is a Disclosable Pecuniary interest, and therefore must leave the room for the discussion and vote, whether they will be exercising their right to speak on this matter under Public Question Time
3. To approve the Minutes of the Planning and Licensing Committee Meeting held on 17th July 2018
4. To ratify the representations made under delegated powers by the Town Clerk in respect of Planning Application BR/142/18/OUT on List dated 6th July

2018 and to endorse the recommendation made in the Minutes of the Planning and Licensing Committee Meeting held on 17th July 2018 (Min. 43.3 refers)

5. Adjournment for public question time
6. Matters Arising from the Minutes which are not separate Agenda Items
7. To consider Premises Licence Applications including any variations and any other Licence Applications. Also Notice of Review - Premises Licence 14603: TAO, 41/43 High Street, Bognor Regis
8. To consider Planning Applications on Lists dated 20th, 27th July and 3rd August 2018
9. To consider commenting on any significant Planning Applications outside the wards of Bognor Regis, that may impact on the infrastructure of Bognor Regis on Lists dated 20th, 27th July and 3rd August 2018
10. Notification of any applications to be considered at the next ADC Development Control Committee Meeting
11. To note proposals sent by Cllr. Goodheart to the Joint Western Arun Area Committee regarding safety improvements on London Road, Bognor Regis and to consider any further suggestions to the proposals
12. To note a request sent by Cllr. Goodheart to the Joint Western Arun Area Committee asking that two items be introduced to the agenda and debated, with a view to gaining support for future development of these items
13. To consider cycle matters as requested by Cllr. Goodheart
14. To review Arun District Council's draft revised Statement of Community Involvement (SCI) and to consider the Town Council's response to the public consultation
15. To approve the format of a proposed survey to be circulated to Traders on the High Street, Bognor Regis regarding road schemes (Min. 48 refers)
16. To receive Arun District Council's draft Statement of Gambling Licensing Principles 2019-2022 and to consider any response to the proposed changes
17. Correspondence

ALL MEMBERS OF THE PUBLIC ARE WELCOME TO ATTEND
MEMBERS ARE REMINDED THAT PLANS ARE AVAILABLE FOR INSPECTION
IN THE TOWN CLERK'S OFFICE

THERE IS A LIFT AVAILABLE AT THE TOWN HALL FOR ACCESS TO THE
COUNCIL CHAMBER IF REQUIRED



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MINUTES OF THE PLANNING AND LICENSING COMMITTEE MEETING

HELD ON TUESDAY 17th JULY 2018

PRESENT: Cllr. Mrs. J. Warr (Chairman), Cllrs: P. Dillon and
S. Goodheart

IN ATTENDANCE: Mrs. J. Davis (Civic & Office Manager)

The Meeting opened at 6.31pm

37. CHAIRMAN'S ANNOUNCEMENTS AND APOLOGIES FOR ABSENCE

The Chairman welcomed those present and went through the evacuation procedure in the event of a fire. Apologies for absence were received from Cllr. Woodall, who had a prior engagement, and Cllr. Enticott due to family commitments. No further apologies were received.

38. DECLARATIONS OF INTEREST

Members and Officers were reminded to make any declarations of Disclosable Pecuniary and/or Ordinary Interests that they may have in relation to items on this Agenda

Members and Officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a Disclosable Pecuniary or Ordinary interest
- c) the nature of the interest
- d) if it is an Ordinary interest whether they intend to leave the room for the discussion and vote
- e) if it is a Disclosable Pecuniary interest, and therefore must leave the room for the discussion and vote, whether they will be exercising their right to speak on this matter under Public Question Time

They then need to re-declare their interest and the nature of the interest at the commencement of the item or when the interest becomes apparent. They should request that it be recorded in the Minutes that they will leave the meeting and will neither take part in discussion, nor vote on the item.

In accordance with good practice, individual forms were available to those Councillors present in order that they could personally record their interests - both Disclosable Pecuniary and Ordinary. These forms should be returned to the Committee Clerk at the end of the meeting to enable all

declarations of interest to be accurately recorded in the Minutes. Members were reminded that it is their responsibility to notify the Monitoring Officer of all Disclosable Pecuniary Interests or Ordinary Interests notifiable under the Council's Code of Conduct, not already recorded on their Register of Interests Form, within 28 days.

The Chairman reminded Members to declare their interests as any arise or again at the relative point in the meeting if they have already.

Cllr. Dillon stated that, as a Member of Arun District Council's Development Control Committee, and also Arun District Council's Licensing Committee, he will be voting on the matters before him having regard only to such information as placed before the Town Council. If he should come to consider any matters again at the District Council, and further information may be available, he will consider the information available at that time and may come to a different decision

Cllr. Goodheart declared a Disclosable Pecuniary Interest in Agenda item 7 (Planning Application BR/142/18/OUT), as a neighbour to the property, and stated that he intended to make a short statement at the appropriate time, after which he would leave the meeting while this Agenda item was discussed

39. TO APPROVE THE MINUTES OF THE PLANNING AND LICENSING COMMITTEE MEETING HELD ON 26th JUNE 2018

The Committee **RESOLVED** to agree and approve the Minutes of the Meeting held on 26th June 2018 as an accurate record of the proceedings and the Chairman signed them.

40. ADJOURNMENT FOR PUBLIC QUESTION TIME

There were no questions.

41. MATTERS ARISING FROM THE MINUTES WHICH ARE NOT SEPARATE AGENDA ITEMS

The Civic & Office Manager gave a verbal update to Members regarding the Bognor Regis Railway Station clock. In an email from Network Rail dated 28th June 2018, the Town Council was informed that the clock requires repairs to the face and specialist parts for the mechanism, which dates from the 1930's. The process of sourcing the specialist parts was imminent, and the expectation was that works would be completed by September 2018.

42. TO CONSIDER PREMISES LICENCE APPLICATIONS INCLUDING ANY VARIATIONS AND ANY OTHER LICENCE APPLICATIONS. ALSO PREMISES LICENCE 16462: BENJAMIN JAMES ALLARD & KERRY FIONA ALLARD, FUSION BEACH BAR, 'THE BEACON', THE ESPLANADE, BOGNOR REGIS, WEST SUSSEX

Licensing Act 2003

Premises: Benjamin James Allard & Kerry Fiona Allard, Fusion Beach Bar, 'The Beacon', The Esplanade, Bognor Regis

Licence Number: 16462

The Committee noted the Licence Application received for the supply of alcohol between the hours of 12:00 and 20:00 Monday to Sunday. The premises will only operate during the periods(s) permitted under the terms of a concession granted and issued by Arun District Council. The period of operation will be between April and September each year. Further information was not available in relation to the licence, as access to ADC's Public Register was not possible.

Members **RESOLVED** to raise **NO OBJECTION** to the Premises Licence application.

Licensing Act 2003 - Variation to Premises Licence

Premises: Picturedrome Cinema, 51 Canada Grove, Bognor Regis

Licence Number: 6810

The Civic & Office Manager advised Members that a variation to Premises Licence for Picturedrome Cinema, 51 Canada Grove, Bognor Regis, had been received since the Agenda had first been published. The variation proposes the provision of Late Night Refreshment (indoors) daily 23:00-05:00, and amend the current licence plan to include the new layout. Further information was not available in relation to the licence, as access to ADC's Public Register was not possible.

Members **RESOLVED** to raise **NO OBJECTION** to the variation to Premises Licence application.

43. TO CONSIDER PLANNING APPLICATIONS ON LISTS DATED 29th JUNE, 6th AND 13th JULY 2018

43.1 The Committee noted that there were no views from Town Councillors to report.

43.2 The Committee noted that no representations had been received from the public, or from neighbouring parishes, in respect of these applications.

Cllr. Goodheart redeclared a Disclosable Pecuniary Interest in Planning Application BR/142/18/OUT and, after making a short statement, left the meeting

Having declared a Disclosable Pecuniary Interest in Planning Application BR/142/18/OUT, Cllr. Goodheart was unable to vote on the matter resulting in the meeting being non-quorate for this Planning Application only

- 43.3** With only Cllrs. Mrs. Warr and Dillon able to vote when considering Planning Application BR/142/18/OUT, on List dated 6th July 2018, observations were made on this application which will be taken into account when the Town Clerk makes her representations under the powers delegated to her (Appended to these Minutes as **Appendix 1**).

Cllr. Goodheart returned to the meeting

- 43.4** The Committee, having considered the applications, **RESOLVED** that its representations be forwarded to ADC (Appended to these Minutes as **Appendix 2**).

- 44. TO CONSIDER COMMENTING ON ANY SIGNIFICANT PLANNING APPLICATIONS OUTSIDE THE WARDS OF BOGNOR REGIS, THAT MAY IMPACT ON THE INFRASTRUCTURE OF BOGNOR REGIS ON LISTS DATED 29th JUNE, 6th AND 13th JULY 2018**

There were none.

- 45. TO CONSIDER COMMENTING ON PLANNING APPLICATION WSCC/031/18/BR: ST MARY'S CATHOLIC PRIMARY SCHOOL, GLAMIS STREET, BOGNOR REGIS, PO21 1DU - 2 STOREY EXTENSION COMPRISING 3 NO. CLASSROOMS, LIBRARY, OFFICES & ANCILLARY ACCOMMODATION, INTERNAL ALTERATIONS, INTERNAL ALTERATIONS TO EXISTING SCHOOL HALL & THE CONSTRUCTION OF 2 NO. HALL STORES & EXTERNAL WORKS**

Following discussion Members **RESOLVED** to raise **NO OBJECTION** to Planning Application WSCC/031/18/BR.

- 46. NOTIFICATION OF ANY APPLICATIONS TO BE CONSIDERED AT THE NEXT ADC DEVELOPMENT CONTROL COMMITTEE MEETING**

There were none.

- 47. CONSIDERATION OF AN APPLICATION TO APPLY FOR LISTED BUILDING STATUS FOR THE ROYAL HOTEL AS RAISED AT THE MEMBERS BRIEFING HELD 3rd JULY 2018**

Members were provided with information about the application process for listed building status, which included the following: -

- Applications are made through Historic England

- Applications can be made free of charge and take approximately 23 weeks to process
- Alternatively, an Enhanced Advisory Service or Fast-Track Listing can be paid for, at a fee of £225 plus VAT and is in addition to cost price, whereby Historic England process the application in approximately 12 weeks
- Applications must meet three criteria to be considered: -
 - Is demonstrably under serious threat of demolition or major alteration
 - Is a priority under Historic England's programme of strategic work (Heritage at Risk)
 - Possesses evident significance, and is obviously worthy of inclusion on the National Heritage List for England
- To apply online the following is required: -
 - Property address
 - Ownership details
 - Details of any current planning applications, permissions or threats to the building
 - Photographs
 - Reasons why the building should be assessed for listing (historic, architectural, archaeological and/or artistic interest)
 - Documentary evidence to support the application such as historic maps and research reports
 - A list of resources used to complete the research.

Members discussed at length the pros and cons of listing the building and, whilst preservation of an iconic heritage was felt to be important, Members were mindful of what prohibitive effect Listed Building Status could have any future development of the site.

Following consideration Members **RESOLVED** to **AGREE** that the Officers at the Town Council should proceed with making an application for Listed Building Status in regard to The Royal Hotel, Bognor Regis.

48. TO RECONSIDER THE PERMANENT CLOSURE OF HIGH STREET, BOGNOR REGIS, TO THROUGH TRAFFIC AS REQUESTED BY CLLR. J. COSGROVE

Having previously considered this matter at the Planning and Licensing Meeting held on 14th November 2017 (Min. 114 refers), Members were reminded of the Pre-Meeting Briefing that they had attended prior to the Planning and Licensing Meeting held on 9th January 2018.

At the Pre-Meeting Briefing, Members of the Town Council met with Cllr. Hitchins, Chairman of ADC's Bognor Regis Regeneration Sub-Committee, and Cllr. Lanzer, WSCC Cabinet Member for Highways and Infrastructure, to discuss what traffic schemes might be considered as part of regeneration proposals for Bognor Regis.

Amongst other options, the permanent closure of the High Street, to through traffic, was discussed. The majority of Members present at the Pre-Meeting Briefing did not consider the permanent closure of the High Street to be a favoured option. Although everyone agreed that pedestrian safety was a concern, mostly due to the flouting of restrictions by road users and the lack of enforcement by authority, there was also concern for the detrimental effect to traders on the High Street that its permanent closure would have on these businesses.

It had been suggested, at the Pre-Meeting Briefing, that a survey should be carried out amongst traders on the High Street to gauge what road schemes they would like to see, with this information then fed back through the Town Council's representative at a future JWAAC Highways and Transport Meeting.

Discussions took place regarding the permanent closure of High Street, with which Members disagreed but spoke in favour of opening the road to two-way traffic instead.

Members **RESOLVED** to **AGREE** that the matter be placed on the Agenda for the Planning and Licensing Meeting, to be held on 7th August 2018, at which a survey for traders on the High Street would be drafted for approval, and next steps agreed.

49. **TO CONSIDER COMMENTING ON WSCC'S 2018 STRATEGIC TRANSPORT INVESTMENT PROGRAMME (STIP) IN IDENTIFYING ANY STRATEGIC TRANSPORT SCHEMES THAT SHOULD BE CONSIDERED AS PART OF THE STIP PRIORITISATION PROCESS - AS AGREED AT THE PLANNING AND LICENSING MEETING HELD ON 26TH JUNE 2018 (MIN. 36.1 REFERS)**

Members **AGREED** to submit **NO COMMENT** in relation to WSCC's 2018 Strategic Transport Investment Programme.

50. **CORRESPONDENCE**

The Committee noted receipt of correspondence previously circulated and the following was brought to Members attention:

Additional correspondence included:-

- 50.1 Arun District Council - Arun Local Plan - Planning Inspector's Report - forwarded to Councillors
- 50.2 Westminster Briefing - Neighbourhood Planning: Policy and Practice to be held in London on 13th September 2018
- 50.3 WSCC - Planned roadworks 11th-25th July 2018. Circulated to Councillors and uploaded to Facebook
- 50.4 Westminster Briefing - Parks and Greenspaces Briefing to be held in London on 19th September 2018

The Meeting closed at 8.10pm

APPENDIX 1
PLANNING AND LICENSING COMMITTEE OBSERVATIONS
REPRESENTATIONS ON LIST DATED 6th JULY 2018

The Planning and Licensing Committee of Bognor Regis Town Council **RECOMMENDED** as follows:

<p>BR/142/18/OUT Richmond Arms 224 London Road Bognor Regis PO21 1AU</p>	<p>Outline application with all matters reserved for the demolition & conversion of existing public house with residential accommodation to 1st floor to form 10 No. residential flats over 3.5 storeys</p>	<p>OBJECTION Based on the limited information made available with the outline application, in particular the lack of plans, Members were minded to object. There was concern that the footprint suggests that the development will encroach onto the pavement causing obvious problems to pedestrians. Members felt that parking on London Road is already overstretched so, if the application were to proceed, they would recommend a one-way traffic system be introduced along with herringbone parking. Members also felt that 10 No. residential flats was over-development with the maximum set at 8, with a bin store and external fire escape included in any plans. Should these recommendations be taken on board then Members would reconsider their objection.</p>
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APPENDIX 2
PLANNING AND LICENSING COMMITTEE MEETING HELD ON 17th JULY 2018
REPRESENTATIONS ON LISTS DATED 29th JUNE, 6th AND 13th JULY 2018

The Planning and Licensing Committee of Bognor Regis Town Council **RESOLVED** as follows:

BR/155/18/PL 23 Devonshire Road Bognor Regis PO21 2SY	Conservatory to rear of property	NO OBJECTION
BR/163/18/T Nyewood Infant and Junior School Brent Road Bognor Regis PO21 5NW	Fell 1 No. Elm tree to 1m; reduce upper crown on north aspect by up to 2m, thin crown by 20% & lift southern canopy aspect to 4m to 1 No. Ash tree, reduce crown of 1 No. Hawthorn tree by 2-3m & reduce crown of 1 No. Hawthorn tree by 3-4m	NO OBJECTION subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.
BR/160/18/HH 33 Southdown Road Bognor Regis PO21 2JR	Demolition of garage & erection of detached garden room	NO OBJECTION
BR/141/18/PL 26 Nyewood Lane Bognor Regis PO21 2QB	Change of use from dwelling (C3 Dwelling House) to 8 bed HMO (Sui Generis)	OBJECTION on the grounds of over-development and that Members felt it would be the loss of a lovely family home that is so near to facilities.
BR/148/18/L The White Tower 16 Aldwick Road Bognor Regis	Listed building consent to mount a Blue Plaque to the exterior wall	NO OBJECTION
BR/171/18/HH 31 Merrion Avenue Bognor Regis PO22 9DF	Remove existing conservatory & replace with rear extension. Relocation of Utility room. Installation of rooflights on flat roof	NO OBJECTION

BR/167/18/HH 6 Mead Court Mead Lane Bognor Regis PO22 8BL	Conversion of existing integral garage into bedroom. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area	NO OBJECTION
BR/166/18/HH 7 Mead Court Mead Lane Bognor Regis PO22 8BL	Conversion of existing integral garage into bedroom. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area	NO OBJECTION

AGENDA ITEM 7

BOGNOR REGIS TOWN COUNCIL PLANNING AND LICENSING COMMITTEE MEETING - 7th AUGUST 2018

AGENDA ITEM 7 - TO CONSIDER PREMISES LICENCE APPLICATIONS INCLUDING ANY VARIATIONS AND ANY OTHER LICENCE APPLICATIONS. ALSO NOTICE OF REVIEW - PREMISES LICENCE 14603: TAO, 41/43 HIGH STREET, BOGNOR REGIS

REPORT BY CIVIC & OFFICE MANAGER

FOR INFORMATION

BACKGROUND

At the Planning and Licensing Meeting held on 3rd April 2018, Members attention was drawn to an application for a Premises Licence Review, under Section 51 of the Licensing Act 2003, that had been received by Arun District Council on 19th March 2018 in relation to: -

Premises: TAO - Sladebars Ltd, 41/43 High Street, Bognor Regis
Reference Number: 14603

The grounds of the review were that the Licensing Objectives of: - Prevention of Crime & Disorder; Public Safety had been seriously undermined.

Having considered the information made available to them, Members of the Planning and Licensing Committee **AGREED** to submit the following comments to Arun District Council's Licensing Team in response to the review;

"Bognor Regis Town Council support the Licensing Team in their bid to uphold the requirements of the existing licence by undertaking the review and hope they can try to find a way to work with the licensee to become compliant with the conditions of the licence, so that we, as the Town Council, may be satisfied that all breaches have been rectified. Members sincerely hope that the situation can result in no closure of the premises, but it is imperative that the venue is safe and secure for all those who use or work in it, going forward, and that the success of the business goes from strength to strength."

At a meeting of Arun District Council's Licensing Subcommittee, held on 2nd May 2018, Members subsequently **RESOLVED**: -

That the Premises Licence holder be permitted to continue to operate but that the following additional conditions be attached to the Premises Licence: -

(1) A noise limiting device shall be fitted to the premises sound system to the satisfaction of the Council's Environmental Health Officer and set at a level that is inaudible inside the nearest domestic residence in the High Street, Bognor Regis, and that the level is then fixed and locked to ensure it is incapable of being altered other than by the Premises Licence holder. All amplified music at the premises shall be played through the noise limiting device.

AGENDA ITEM 7

(2) An appropriate noise assessment report shall be undertaken by a recognised qualified acoustic consultant within 14 days on noise attenuation properties at the premises, and that any recommendation within the report be carried out within one month of the date of the report. The report is to be copied Environmental Health immediately on receipt by the Premises Licence holder and the schedule of recommended works is to be provided to Environmental Health before commencement of the required works.

(3) No more than ten customers shall be permitted to congregate outside the front of the premises after 11pm. Customers being permitted to congregate for the purposes of smoking only.

(4) The kitchen shall be fitted with an appropriate odour extraction system within 28 days to facilitate the preparation of fried and grilled substantial food, not snacks.

Reason: *To restore the promotion of the four Licensing Objectives.*

UPDATE

On 18th July 2018 Arun District Council received an application for a Premises Licence Review, under Section 51 of the Licensing Act 2003, relating to the same premises.

The grounds of the review are that the Licensing Objectives of: - Prevention of Public Nuisance; Prevention of Crime and Disorder; Protection of Children from Harm have been seriously undermined.

In an email to the Civic & Office Manager, Arun District Council's Licensing Manager has confirmed that the Premises Licence holder has not complied with the conditions that the Subcommittee attached to the licence at the last hearing. The Council are still receiving complaints about the premises, and the Licence holder has failed to agree a Noise Management Plan with Environmental Health.

At a Bognor Regis Regeneration Board Meeting, held on 25th July 2018, this matter was briefly discussed. The Resort Director for Butlin's Bognor Regis has offered to work with the Premises Licence holder and offer any support that may be required in order to meet the Licensing Objectives.



**Licensing Act 2003 –
Notice of Review**

Reference Number: 14603



Arun District Council has received an application on 18th July 2018 for a review under Section 51 of the Licensing Act 2003

The premises affected is:-
TAO
41/43 High Street
Bognor Regis PO21 1RX

The grounds of the review are that the Licensing Objectives of:-

Prevention of Public Nuisance
Prevention of Crime and Disorder
Protection of Children from Harm
have been seriously undermined.

A public register of all Licensing Act 2003 permissions and applications is held by Arun District Council, Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF.

The public register is also available on www.arun.gov.uk/licensing

Representations can be made by the premises licence holder, responsible authorities and any other persons. These representations should be received by 14th August 2018

All representations should be made in writing and include the reference number at the top of this notice and sent to:

**Licensing Team, Environmental Health,
Arun District Council, Arun Civic Centre, Maltravers Road,
Littlehampton, West Sussex BN17 5LF
or email licensing@arun.gov.uk.**

It is an offence to knowingly or recklessly to make a false statement in connection with an application and the maximum fine for this offence is £5,000.

**BOGNOR REGIS TOWN COUNCIL
PLANNING AND LICENSING COMMITTEE MEETING - 7th AUGUST 2018**

AGENDA ITEM 11 - TO NOTE PROPOSALS SENT BY CLLR. GOODHEART TO THE JOINT WESTERN ARUN AREA COMMITTEE REGARDING SAFETY IMPROVEMENTS ON LONDON ROAD, BOGNOR REGIS AND TO CONSIDER ANY FURTHER SUGGESTIONS TO THE PROPOSALS

REPORT BY CIVIC & OFFICE MANAGER

FOR DECISION

On 20th July 2018, Cllr. Steve Goodheart wrote to the Joint Western Arun Area Committee asking that the following proposals for safety improvements on London Road, Bognor Regis, be considered at a future meeting: -

"1. Speed-reducing humps, London Road, Bognor Regis – I propose introducing speed-reducing humps along the road from the town (post code PO21 1DG) travelling north from the Library (post code PO21 1BA) past Edward Bryant Primary school (post code PO21 1BG) and beyond the police station (post code PO21 1BA).

London Road is a well-used gateway into & exit from the town. The access from the Hotham Way (B2259) dual carriageway to the junction of Upper Bognor Road is a very tight corner with articulated lorries frequently blocking the whole road.

Many times over the years, vehicles have lost control on this corner & been driven over the pavement into garden walls (PO21 1JB) because of the speed they have reached while leaving the town.

Police cars regularly use this road as an exit from the town, day & night, and the speed at which they negotiate is often of great concern both for oncoming traffic & pedestrians at this corner.

Speed-reducing humps along London Road would be a great deterrent to drivers who ignore speed limits. They have been successfully used for many years along Kingsham Road, Chichester. A road which is also the location for both a school & a police station (post code PO19 8AD).

2. Pedestrian crossing, London Road, Bognor Regis - Edward Bryant Primary school, which has doubled in size over the last few years, is located halfway along London Road. The amount of footfall has increased so much that an urgent need for a controlled crossing for the school is required. The head master Richard Waddington is very supportive of this proposal.

The town library is located next to the school, the staff are also very much in favour of this proposal.

The general feeling among residents & business owners in this area is broadly supportive.

AGENDA ITEM 11

3. Bollards – London Road, Bognor Regis – Illegal parking on pavement outside the former Rosie Lee café. Cars are often parked half-on and half-off the pavement which is a great hazard both to traffic & pedestrians. The café is on the bend immediately opposite the car-park and is a blind corner. Speeding traffic could be slowed by the speed-humps but bollards placed outside this café would prevent the illegal parking.”

DECISIONS

Members are invited to **NOTE** the proposals sent by Cllr. Goodheart to the Joint Western Arun Area Committee.

Do Members **AGREE** to support Cllr. Goodheart in his proposals?

Members are invited to **CONSIDER** any suggestions that they might wish to add to the proposals.

BOGNOR REGIS TOWN COUNCIL
PLANNING AND LICENSING COMMITTEE MEETING - 7th AUGUST 2018

AGENDA ITEM 12 - TO NOTE A REQUEST SENT BY CLLR. GOODHEART TO THE JOINT WESTERN ARUN AREA COMMITTEE ASKING THAT TWO ITEMS BE INTRODUCED TO THE AGENDA AND DEBATED, WITH A VIEW TO GAINING SUPPORT FOR FUTURE DEVELOPMENT OF THESE ITEMS

REPORT BY CIVIC & OFFICE MANAGER

FOR DECISION

On 20th July 2018, Cllr. Steve Goodheart wrote to the Joint Western Arun Area Committee asking that the following two items be introduced to the agenda and debated, with a view to gaining support for future development of these items: -

Item 1 - Bognor Regis Amenity Tip

The subject of location, opening times, restrictions (small trailers) & size of the existing amenity tip has been discussed in many quarters. The pressure on the existing amenity tip is ever increasing as the population grows. If the regeneration of Bognor Regis is successful there will be still greater pressure. With this in mind, enlarging the size of the recycling facilities or a new location should be debated.

Item 2 - Bognor Regis Master Plan

A master plan for Bognor Regis has been referred to many times, it's been brought to my attention that this plan is out of date & needs to be updated with a view to the near future & beyond. If blue-sky thinking could be introduced to an open discussion there is an opportunity for a wider debate which could be open to all interested parties & residents. This must be the right time to plan & develop the next stage in the town's growth to take us into the next decades and areas around the town such as beyond the relief road should be brought into future planning. The area to which I'm referring is the land north of the A259, the Felpham relief road & Charles Purley Way between North Bognor, Felpham, Barnham, Yapton & Littlehampton.

Examples of future projects that could be included:

- i) Mixed use sport/recreational stadium*
- ii) Out of town parking for events/park & ride to relieve town parking*
- iii) A hop-on/hop-off railway station stop*
- iv) Public transport terminus*
- v) Trams routes into town & beach*
- vi) Community group hub – meeting facilities & secure parking*
- vii) Business centre for small businesses*
- viii) Amenity tip."*

DECISION

Members are invited to **NOTE** the request sent by Cllr. Goodheart to the Joint Western Arun Area Committee for the inclusion of these two items on a future agenda.

Do Members **AGREE** to support Cllr. Goodheart in his proposals?

Members are invited to **CONSIDER** any suggestions that they might wish to add to the proposals.

AGENDA ITEM 13

BOGNOR REGIS TOWN COUNCIL PLANNING AND LICENSING COMMITTEE MEETING - 7th AUGUST 2018

AGENDA ITEM 13 - TO CONSIDER CYCLE MATTERS AS REQUESTED BY CLLR. GOODHEART

REPORT BY CIVIC & OFFICE MANAGER

FOR DECISION

On 20th July 2018, Cllr. Steve Goodheart wrote to the Members asking that the following cycle matters be placed on an agenda for consideration: -

1. A sign/byelaw to stop cycling in the London Road precinct both ends.
2. Install Bicycle racks/posts at the eastern end of the Aldwick Road shopping area.
3. The 'bicycle' sign stencilled in white on the subway from London Road coach park and Upper Bognor Road be renewed.

DECISION

Do Members wish to take any action as a result of the matters presented by Cllr. Goodheart?

AGENDA ITEM 14

BOGNOR REGIS TOWN COUNCIL PLANNING AND LICENSING COMMITTEE MEETING - 7th AUGUST 2018

AGENDA ITEM 14 - TO REVIEW ARUN DISTRICT COUNCIL'S DRAFT REVISED STATEMENT OF COMMUNITY INVOLVEMENT (SCI) AND TO CONSIDER THE TOWN COUNCIL'S RESPONSE TO THE PUBLIC CONSULTATION

REPORT BY CIVIC & OFFICE MANAGER

FOR DECISION

The Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority, Arun District Council to prepare a 'Statement of Community Involvement' (SCI).

The SCI explains how Arun District Council will involve local communities, businesses and other interested parties when they prepare their planning policies and determine planning applications.

The current SCI was adopted in 2012. Since the adoption of the SCI, a number of changes have been made to the planning system and it has, therefore, been necessary to update the document in order to reflect these changes.

Arun District Council has published the draft SCI (attached as **Appendix 1**) for public consultation from Thursday 19th July to 5pm on Friday 17th August, 2018.

DECISION

Members are invited to review ADC's Draft Revised Statement of Community Involvement (SCI) and to consider the Town Council's response to the Public Consultation.



ARUN DISTRICT COUNCIL

Statement of Community Involvement 2018

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Or: localplan@arun.gov.uk

Or contact the Planning Policy and Conservation Team on 01903 737500

The Statement of Community Involvement is also available on the Council website www.arun.gov.uk/planning-policy

INTRODUCTION

Planning affects everyone in our community, however most people only get involved in planning when it directly affects them. The local planning authority is usually responsible for deciding where development takes place and what happens in our towns, villages, open spaces and environment. The council does this by preparing elements of the development plan and determining planning applications.

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and must be taken into account in the preparation of development plans and planning application decisions. The NPPF states that the planning system should be easier to understand, more accessible and include a commitment to involving all who are interested in planning "Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that local plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of an area, including those contained in any neighbourhood plans that may have been made." NPPF (2012) paragraph 155.

There are two key functions to the planning system; Planning Policy and Development Management.

Planning Policy: Planning documents such as the Local Plan, relevant Development Plan Documents and Supplementary Planning Documents are prepared that are used to guide development. The Documents must comply with relevant government legislation and guidance. There are specific regulatory procedures which must be followed during the production of the documents.

Development Management: Officers are responsible for determining planning applications, applications for works to trees, advertisement and Listed Building Consent.

What is a Statement of Community Involvement (SCI)?

The Statement of Community Involvement (SCI) explains how the Council will involve local communities, businesses, and other interested parties when it prepares planning policy documents and determines planning applications.

The Local Plan forms part of the development plan for the Arun Local Planning Authority Area (LPAA) and will be used as a framework for planning decisions. It sets out the strategy for development. The following documents are relevant:

Strategic Plans (Local Plan or Development Plan Document (DPD))

These are plans which contain policies to address the strategic priorities of an area. They set out a vision and framework for future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure as well as safeguarding the environment and resources and ensuring good design. Plans generally look 15-20 years ahead. Local Plans should be reviewed every five years.

Supplementary Planning Document (SPD)

These documents add further detail to the policies in the Local Plan or DPDs; they can be used to provide guidance but cannot be used to set out new policy.

Neighbourhood Development Plans and Development Orders

Neighbourhood planning is a key part of the Government's Localism agenda. It aims to give local communities greater power to shape development by taking a more active role in the development of planning policies at a local level. Within Arun District, neighbourhood planning will be led by town and parish councils, with Arun District Council providing technical assistance.

Community Infrastructure Levy (CIL)

A planning charge that local authorities can apply to new developments to fund infrastructure.

Review of the SCI

The SCI was last reviewed in 2012, and it is required to be reviewed again to reflect recent legislative changes.

PLANNING POLICY

Introduction

Arun District Council is responsible for preparing a planning policy framework, for its area which will be used to guide development proposals and determine planning applications. This may include Strategic (including jointly with other authorities) and Local Plans as well as supplementary planning guidance.

Part of the process of preparing policy documents involves statutory stages of consultation that must be undertaken to allow stakeholders and the public to have the opportunity to comment on the proposals.

The Council is committed to encouraging early and meaningful engagement. Whilst the formal consultation process is necessary and can add some value, we will focus on early and meaningful engagement, ensuring that proposals do their best for Arun. We understand that people will still have positive and sometimes negative views at a consultation stage, but welcome their valuable input. By engaging communities and other interested parties, the Council gains valuable local knowledge and expertise, along with community commitment to the future development of Arun.

Engagement is a two-way process of openly sharing and exchanging information, understanding different views, listening and responding to suggestions, developing trust and dialogue to support effective working relationships to the mutual benefit of all involved.

This section sets out the type of policy documents Arun District Council is likely to prepare, and how people can get involved.

Statement of Community Involvement

Consultations on all Development Plan Documents must comply with the methods set out in the adopted Statement of Community Involvement (SCI). This SCI is Arun District Council's formal policy to:-

- Identify how and when local communities and stakeholders will be involved in the preparation of the documents for Arun's Local Plan or a Strategic Plan.
- Set out community involvement in the consideration of planning applications, both minor and major. Arun District Council is using the Government's definition for 'major' development (as defined in the GDPO 1995 as amended) which includes applications for planning permission relating to:-

'Residential development comprising 10 or more dwellings, or a site area of 0.5 hectares and other uses where the proposed floor space exceeds 1,000m² or the site area exceeds 1 hectare'.

The Development Plan Process

The Arun Development Plan

A number of documents will be prepared as part of the Development Plan. These documents can be divided into two broad categories as follows;

Table 1 Documents that form part of the Development Plan	
Development Plan Documents (including the Strategic/Local Plan) Neighbourhood Development Plans	<ul style="list-style-type: none"> - Strategic Policies - Local Policies - Spatial Portrait - Site Allocations (if appropriate) - Development Management Policies - Proposals Map - Area Action Plans (if appropriate) - Single Issue documents
Supplementary Planning Documents (SPD's)	SPD's build on policies contained within the Plan. The types of SPD's required will be determined during the Plan process.

There will be different preparation and consultation stages to undertake dependant on whether the Council is working to produce a Development Plan Document or a Supplementary Planning Document.

A timetable has been prepared which sets out the timescale for the production of any Development Plan Documents (DPD) considered necessary by the Local Planning Authority. This is referred to as the Local Development Scheme (LDS) and is available for viewing on the Councils website. The LDS covers a three year period and is reviewed on a regular basis to ensure that it is kept up to date.

A Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) must also be undertaken although HRA assessment may not be required where there are unlikely to be significant effects on national/international designations. These documents are prepared in parallel with the DPD's and continuously inform and shape plan policies.

Development Plan Document Production

For each Development Plan Document there are seven preparation stages. These are explained in Table 2, below.

Table 2 The Stages involved in the preparation of a Development Plan Document	
Stage	Brief explanation of process
1 Evidence Gathering	Obtaining relevant information and producing studies that will form part of the evidence base.
2 Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) – Scoping Report	<p>Consulting the statutory bodies on the SA, SEA and HRA which appraises the social, economic and environmental effects of the document. These are a key part of the evidence base and will help with the evaluation of reasonable alternatives. The scoping report is the first stage in the preparation of the SA, SEA and HRA.</p> <p>The appraisal and assessments are subject to consultation and take place alongside the preparation of the Development Plan Documents (DPD).</p>
3 Regulation 18* Consultation	When preparing a Development Plan Document (DPD) the Council must notify certain stakeholders and individuals that they are producing the document whilst also inviting them to make representations on what the DPD should include.
4 Publication of a Local Plan (Reg 19*)	Before submitting a Strategic or Local Plan to the Secretary of State, the Council will make a copy of each of the proposed submission documents and a statement of the representations procedure available for inspection at various times and places.
5 Representations relating to a Local Plan (Reg 20*)	Any person may make representations to the Council about a Local Plan. Any representations must be received by a specified date.
6 Submission of the Development Plan Document (Reg 22*)	The Development Plan Document is submitted to the Secretary of State along with a statement of representations procedures, summary of representations and how they were taken into account at Regulation 18 and summary of key issues arising from any representations at Regulation 19.
7 Independent Examination (Reg 24*)	An independent inspector will be appointed by the Secretary of State to consider the representations and the 'soundness' of the document. The Inspector will then prepare a report which may include any changes (Main Modifications) to be made to the Development Plan Document in order to make it 'sound'.
8 Adoption (Reg 26*)	The Council may adopt the plan with the Inspector's Modifications or choose not to.

* These Regulations refer to 'The Town and Country Planning (Local Planning) (England) Regulations 2012' that came into force on 6 April 2012.

Duty to co-operate

The Government has introduced a 'Duty to Co-operate' through the Localism Act. The Council will work with neighbouring councils and other relevant organisations across authority boundaries on strategic planning issues that affect them all. They will engage constructively, actively and on an ongoing basis in the planning process.

The Council is required to demonstrate compliance with the 'Duty to Co-operate' as part of the examination of Local Plans. If a local council cannot demonstrate that it has complied with the duty, its local plan will not pass the independent examination.

Who will be consulted?

The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the legal requirements for consultation and public participation during the preparation of any planning policy documents.

Anyone who may have a role or interest in shaping the planning of Arun including residents, businesses, community groups, landowners, developers, and public sector organisations should have the opportunity to be involved in the preparation of documents that form part of the Arun Development Plan.

As part of the consultation process, the following groups will be consulted at various stages, in various forms:

- (i) General consultees
- (ii) Specific consultees
- (iii) Local consultees
- (iv) Hard to reach groups
- (v) Other Stakeholders

With respect to both the 'general & specific consultees', the legal requirements for such consultation are set out in 'The Town and Country Planning (Local Planning) (England) Regulations 2012'.

The Council recognises that a significant number of groups will have an interest in the Local Plan generally and this Statement of Community Involvement in particular. For this reason 'local groups' have been identified as a single entity in this document.

The Council will ensure that all sections of the community are involved in the Plan process, treated with fairness and respect and that their views are taken into account. The Equalities Act 2010 bans unfair treatment of people on the grounds of protected characteristics they may have or are alleged to have. It also introduces a public sector 'Equality Duty' (section 149) which requires the

Council to consider how different people will be affected by its decisions and activities and 'specific duties', including to monitor and publish relevant information on fulfilling its duty.

Most plans policies and programmes are required to be subject to a Sustainability Appraisal (SA) which includes socio-economic impacts and mitigation. The Council's Equalities Impact Assessment is used to assess equalities impacts of its policies and programmes and any necessary mitigation. A health impact assessment (HIA) helps ensure that health and wellbeing are being properly considered in planning policies and proposals. All Plans will be screened to see if these assessments are required. Where possible, these assessments will be incorporated in to the SA process.

Appendix 1 identifies who the council will involve in the various planning policy documents (Local Development Documents) that it may prepare.

Throughout the Arun District there are wide differences in standards of living, with some of the most affluent but also some of the most deprived people in the country living here. Arun also has some of the best educated people in England and some in the bottom 10%. The district also has residents with the longest life expectancy in the South East, while others have the shortest. The Council will thereby use appropriate methods to engage with all sections of the community.

The Council maintains a database of all its 'consultees' which it reviews and updates. Any individual or organisation can request to be added to the database and notified of future consultations. This will be held in accordance with the General Data Protection Regulation (GDPR).

When we will undertake consultation

The regulations set out the various stages in the preparation process for each of the types of planning document and when we must formally publish the document for comment and for how long. These requirements will be met. However, we consider that there should be significant effort to engage people at the early stages of preparing planning documents, where there is greatest opportunity to influence policies and strategies.

The Local Development Scheme sets out the programme for plan preparation and provides a starting point for members of the public and stakeholders to find out which documents are being produced and the timetable for their production. The Local Development Scheme operates over a three year period and is available via the Councils website: www.arun.gov.uk.

Methods of consultation

Arun District Council wishes to engage as many individuals and groups as possible in the Plan making process. Table 3 below identifies a series of consultation methods that the Council will consider using in this regard. The

tables included in Appendix 2 clearly set out how the Council intends to undertake consultation, in an attempt to engage as many sections of society as possible in the Plan making process. Additional survey methods may also be used, depending on the type of Development Plan Document being prepared.

Table 3 Consultation methods	
Advertising	<p><u>Newspapers and newsletters</u> The Council will advertise the various stages of the Development Plan Documents produced, in local newspapers and newsletters.</p> <p><u>Posters</u> Posters shall also be used at suitable locations e.g. community notice boards, local shops, supermarkets, train stations, bus stations and leisure centres.</p> <p><u>Press Releases</u> As a further advertising method, Arun District Council may inform the public of key stages in the planning process through press releases, either on local radio or in printed form.</p> <p><u>Arun Times</u> The Council magazine, 'Arun Times', is delivered to households in the district on a regular basis. It is used to inform the community of issues being discussed, as well as document production, and to raise the overall profile of the Local Plan. In the past, this has proven extremely useful in alerting the community to any forthcoming publications and updating individuals and groups of the results of consultation and involvement exercises.</p>
Web	<p>Websites and Social Media are a popular way of communicating planning issues to individuals and groups. The planning pages of the Arun District Council website will be regularly updated with all the latest planning developments and with opportunities for online consultation. Social media sites will also be used as appropriate.</p>
'Objective' Consultation Software	<p>This is a tool that provides the user with a unique username and password which allows them to access and comment on 'live' consultation documents online.</p> <p>The user is able to provide comments on a specific paragraph or policy text being consulted on.</p>

Letters and/ or Emails	Letters and/or emails shall be sent out to particular people and groups at particular stages of the Plan making process to advise of the publication of a consultation document. An overview of the document shall be provided and the locations at which any consultation documents can be viewed will be identified.
Presentations and/ or Public Meetings	When planning public meetings the Council will always make sure that the venues are accessible, not only in terms of public transport, but also in terms of access to the building itself. Timing can be difficult because different groups have different needs. The Council will try to ensure that meetings are held at a time when it is considered most people will be able to attend.
Stakeholder Engagement	The Council may consider it necessary to hold meetings/ workshops with particular individuals or groups of people, where it is considered that further information in relation to a particular topic could be gathered to better inform the plan making process.
Community Representatives	As part of the consultation process the Council will consider using community representatives and community networks including neighbourhood planning groups.
Unstaffed displays	This method is less resource intensive than some forms of consultation but will be limited to those individuals visiting the particular location. Displays will stay in each location for a number of days so that the largest number of people has the opportunity to view them. The display will then move on to other parts of the District. Publicity will be the key to getting a good attendance and there will be opportunities for individuals to respond, e.g. response postcards.
School Councils and/ or Youth Council	School Councils and the Arun Youth Council mirror the Council's own democratic processes. Arun Youth Councillors have a standing item on the agenda if they wish to report to Full Council Meetings. In presenting Development Plan Documents to the School Councils and/ or Youth Council it is hoped that the Council will be able to make the planning process interesting enough to encourage younger people particularly, to take an active part in Development Plan Document production.
Survey Methods	<p><u>Wavelength</u> This panel contains a representative sample of 1200 residents who the Council may involve in certain consultation exercises.</p> <p><u>One to one interviews</u> The Council will undertake one to one interviews at particular locations where it is considered that a particular category of society would otherwise perhaps</p>

	not engage in the Plan making process. Such locations could include leisure centres, train stations, bus stations, shopping centres.
Consultation Documents (which may include Summary Leaflets)	<p>The Council will produce consultation documents and make them available at various locations. Additionally, paper copies of the document, for which the Council reserves the right to charge, will be made available on request from the Arun Civic Centre's Reception. Where it is considered that the preparation of a summary document would assist, these may be made available. In addition, the following practice will be used as appropriate;</p> <ul style="list-style-type: none"> · Using a font size of at least 12 point, preferably 14 point · Using plain English · Using clear fonts such as Arial · Avoiding the use of italicised fonts · Using an even type spacing · Only justifying the left margins · Avoiding the use of a background image · Using diagrams that add to the clarity of the document <p>Summary leaflets may also be provided which can provide a useful 'quick step' approach to obtaining information on the relevant Development Plan Document.</p>

Supplementary Planning Document (SPD) production will follow a slightly different process. This is highlighted in Table 4 below.

Table 4 Consultation Methods involved at the various stages of the SPD Production					
Stage	Informal Consultation	Formal	Consultation on draft SPD document	Report to Full Council	Adopted
SPDs	Discussions with Town and Parish Councils and Parish Meetings, and consultation with others stakeholders as appropriate	Report to Local Plan Sub Committee	Document sent to statutory and any general consultees the Council thinks will be affected by the document, the general public and Town and Parish Councils		

Specific Consultation Information

Consultation Database – The policy team maintains a consultation database which it uses to inform all interested individuals or organisation when a consultation is taking place provided that they have given their express consent for necessary details to be added and used for the purposes described and on the terms set out in a Privacy Notice, in accordance with the General Data Protection Regulation (GDPR 2018). Such information will only be retained in so far as to comply with the Councils data retention policies.

Consultation Documents - Consultation documents may be made available in both paper and electronic formats.

During periods of public consultation documents will be made available for viewing at the following locations between 08.45 – 17.15 (Monday to Thursday inclusive) and 08.45 – 16.45 on Fridays.

- (i) Arun Civic Centre, Maltravers Road, Littlehampton
- (ii) Bognor Regis Town Hall, Clarence Road, Bognor Regis

Paper versions of consultation documents will also be made available in all libraries throughout the District (during their normal opening hours), and electronic copies published on the Arun District Council website www.arun.gov.uk.

Consultation comments - The Council uses a piece of electronic consultation software (Objective) which enables any interested party to provide their representation on line. This is the Councils preferred method of receiving representations and representors are strongly encouraged to use this method because it will greatly speed up, and increase accuracy in capturing people's representations, thus saving time in processing. Anyone can provide comments on a planning policy document, however we cannot accept confidential or anonymous comments

Hard copy response forms will also be provided in an electronic format so that copies can be emailed or printed off and posted to the Council.

The Council will also accept letters/emails which have been received by the close of the relevant consultation period although submitting comments via the Objective consultation portal will be encouraged.

All representations submitted via the consultation software and by email will automatically receive an acknowledgement.

Consultation duration - As a general rule, consultation shall take place for a minimum of six weeks for Development Plan Documents and four to six weeks for Supplementary Planning Documents.

The timescales involved for receipt of representations with respect to the various Development Plan Documents will be clearly advertised using the following media sources;

- (i) West Sussex Gazette
- (ii) The Littlehampton Gazette
- (iii) The Bognor Regis Observer
- (iv) The Council's own magazine 'Arun Times' (if timetabling permits)
- (v) www.arun.gov.uk

The closing dates and times for receipt of representations shall be strictly adhered to and no representation shall be accepted after the deadline has passed.

Consultation Analysis - At the end of each period of consultation in accordance with plan making regulations, a schedule summarising any representations will be made, and any actions that the Council proposes to take or where required a summary of the key issues. This will be reported and considered by the Council and made available for inspection on the Council's website (when available).

How do I get involved?

Any person or group who would like to get involved in the Plan making process as outlined above can enter their details directly or request that their details be added to the Policy consultation database in accordance with the GDPR requirements.

Neighbourhood Development Plans

Neighbourhood Development Plans (NDP)

The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live. There is no compulsion for parishes to prepare a Neighbourhood Development Plan (NDP), however there are a number of benefits to having one:

- It will help a community play a greater role in shaping the future of its surrounding area.
- It will bring together local residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be done within the local community. It can also build relationships between the local community and service providers.
- Neighbourhood planning offers communities the opportunity to set priorities for planning within their area.
- Areas with 'made' (adopted) Neighbourhood Development Plans will also be entitled to a larger share of any Community Infrastructure Levy to put towards infrastructure projects in the area.

Neighbourhood Development Plans will set out the vision for an area and the planning policies for the use and development of land within a parish or neighbourhood area. The policies within a Neighbourhood Development Plan are intended to support the strategic policies within the Arun Local Plan, and should focus on guiding development, rather than stopping it.

In a parished area like Arun District it is usually the Parish or Town Council who is the qualifying body to prepare a Neighbourhood Development Plan. It can cover all or part of the parish and in some cases may involve a number of parishes. In some areas residents associations or other bodies e.g. businesses may be interested in drawing up a Neighbourhood Plan and act as a forum; however this will need to be carried out with the Parish/Town/City Council who initiate and support the project.

Plans will need to conform to planning policies and guidance at a local, national and European level and meet the Neighbourhood Planning Regulations. This will be tested in an independent examination. They will also need to demonstrate involvement of the local community, including engagement and periods of statutory consultation. Those statutory consultation requirements are stipulated in the regulations.

The parish should publish the draft plan locally for a minimum period of six weeks (Reg.14) in order for any representations to be made. Consultation must also be made with specified consultees bringing it to the attention of anyone who it may affect. When the final plan is submitted to Arun District Council, it will publish the plan for a minimum six week consultation (Reg.16)

period bringing it to the attention of all those consulted at Reg.14 plus any others it deems necessary. Following conclusion of the consultation, the plan will progress to an independent examination.

The examiner makes a report which will recommend either:

1. The plan can move to a referendum
2. Following a few minor amendments the plan can move to a referendum
3. The plan should be refused

A decision statement will be produced by Arun District Council, outlining its' decision with reasons, identifying where the statement can be inspected and any modifications made to the plan. The examiner's report and the Council's decision will be published on the website.

Once the plan is finalised and any amendments have been made, it will then be subject to a community referendum. Arun District Council will arrange and fund the referendum. This will include all those on the electoral roll within the designated Neighbourhood Development Plan area. This may also include those from neighbouring parishes if the Examiner has deemed it will also affect them directly.

If the referendum result returns in favour by 50% of responses or more, then the Neighbourhood Development Plan will move on to the final stage in the process to be 'made'(adopted).

Once a plan has been 'made'(adopted), it will become a Statutory Plan to be used by Arun District Council in making decisions on planning applications in the Neighbourhood Plan area.

'Made'(adopted) plans will be published on the Council's website and notification of the decision to 'make' (adopt) the plan will be sent to the parishes and any person asking to be notified.

The Council will seek to provide support and advice on a range of issues, including consultation and the process of document production. Further information on this can be found on the Council's website at <https://www.arun.gov.uk/neighbourhood-planning>

Community Right to Build Order (CRBO)

The 'Community Right to Build' enables community organisations to progress new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum. Communities may wish to build new homes or new community amenities, and providing they can demonstrate overwhelming local support, the 'Community Right to Build' will give communities the powers to deliver this directly. All profits derived from a Community Right to Build Order proposal must be used for the benefit of the

community, for example to provide and maintain local facilities such as village halls. The production process and bringing it into force is the same as it is for NDPs.

Neighbourhood Development Order

A Neighbourhood Development Order allows communities to grant planning permission for development they want to see go ahead in a neighbourhood. For example, it enables them to allow certain developments, such as extensions to houses, to be built without the need to apply for planning permission.

DEVELOPMENT MANAGEMENT

Introduction

A planning application is the means by which an individual/organisation applies for permission from the Council to develop land/buildings. Arun District Council is responsible for planning decisions that are made throughout the Local Planning Authority Area and receives different types of applications/consents for formal determination.

The requirements for consulting on planning applications are set out in the Town and Country Planning (Development Management Procedure) Order 2015.

The planning application process has four key stages, which will be discussed in more detail in the remainder of this chapter:

- **Pre-application** – a developer prepares the development proposal. Early engagement with the Council and community is encouraged.
- **Planning application** – an application is submitted to the Council who will consult on the planning application.
- **Decision making** – a decision is made by a planning committee or may be delegated to a planning officer.
- **Appeals** – the applicant has a right to appeal where they disagree with the decision of the Council to refuse permission. An independent Planning Inspector will review the application/decision.

The Statement of Community Involvement is an important tool for involving the wider community on all planning applications dealt with by the Local Planning Authority.

Pre-application Consultation

The need for wider involvement of the community and stakeholders at an early stage in the development management process is of benefit to the public, local groups and organisations, developers and local authorities.

Arun District Council offers a Pre-Application advice service for proposals that require planning permission. This enables prospective planning applicants to gauge planning issues prior to submitting a formal application. Availing of this service allows the subsequent determination of planning decisions to be undertaken more efficiently, effectively and expeditiously.

Pre-application advice offers a number of benefits including the following:

- It provides an opportunity for developers to understand how planning applications will be judged against relevant policies and guidance
- It identifies any modifications which may be necessary for the proposed development at the earliest possible stage
- It identifies where there is a need for additional information or specialist consultation

Fees

For pre-application enquiries there are varying charges for different categories of development dependent upon type and sizes. A schedule of pre-application charges is provided on the Council's website at www.arun.gov.uk.

How can I use the pre-application advice service?

The pre-application enquiry form can be downloaded from the Council's website www.arun.gov.uk. While it is not essential to provide formal plans, the more information that is provided (as detailed on the form), the better informed the Council's responses will be. Sketch plans with dimensions will suffice for household and other categories of development. For large development proposals plans and drawings will be extremely useful. Photographs of the proposed development site along with photographs of other similar developments, where possible, should be provided.

Pre application proposals must be accompanied by the correct fee and can either be posted (with the relevant fee) to the Council, or made on-line using the Council's website.

What service will I receive?

From the date of receipt of an enquiry with the correct fee, the applicant will be contacted by letter and given details of the Case Officer within five working days. The Case Officer will assess the enquiry, undertake a site visit and endeavour to give a written response within the following 20 working days. In the case of largescale major developments however, a written response may take up to 30 working days (and possibly longer with the agreement of the applicant).

The written response of the Case Officer will outline information such as:

- the planning history of the site
- all relevant policies
- internal consultee advice
- recommended contact list of external consultees
- Officer's opinion on the acceptability of the development proposal
- checklist of information to be submitted with a planning application

For largescale major (residential/commercial) and small scale major (large residential) developments, a meeting will be arranged prior to the receipt of the written response. There will be no additional charge for this service. For all

other categories of development a meeting may be arranged following a written response from the Council. There is however, an additional charge for this service.

Planning applications

Publicity for planning applications

The Council is required to undertake a formal period of public consultation before determining a planning application. These requirements are set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. There are separate arrangements for listed buildings which are set out in Regulation 5 and 5a of the Listed Buildings and Conservation Area Regulations 1990 (as amended).

Interested parties will have a minimum of 21 days to make representations from the registration of the application. Comments received after the date given for consultation will not be considered.

Planning applications will be publicised by:

- A site notice displayed in at least one place on or near the development site for at least 21 days. The site notice will set out how to comment on the application, and
- An advertisement in a local newspaper - in accordance with statutory requirements applications are advertised in the local press; this is known as the weekly list; and
- A weekly list of applications available to view both at the Civic Centre, Littlehampton and on-line at www.arun.gov.uk.

Relevant statutory consultations will be undertaken. Parish Councils are consulted on current applications within their respective areas, and are informed that all documents relating to the application are available on the Arun District Council website. The 21 days consultation period still applies.

All consultation responses and comments will be included in the Case Officer's report. Material considerations raised in responses will be reviewed and may contribute to the decision making process together with all other known material considerations.

How to view an application

Applications can be viewed on the Council's online planning register. Anyone can request a search for a particular type of application, via an address or a parish.

How to comment on an application

Anyone can comment on a planning application; however we cannot accept confidential or anonymous comments. Comments for current applications can be submitted online via our website www.arun.gov.uk, by email to planning@arun.gov.uk or by post. Comments must be submitted within the 21 day deadline.

Please quote the planning application reference number in all correspondence. Further information on how to comment on planning applications is available on the Arun District Council website.

If you submit your comments online, using the online planning register, you can track the application. If you submitted your comments in writing, you will receive an acknowledgement.

Decision Making

Following the end of the consultation period, the council will consider any comments received and make a decision on the planning application having regard to the development plan policies and other material planning considerations.

Most applications are dealt with under ‘delegated’ powers where a decision is made by a planning officer. However, some applications are referred to the Development Control Committee for determination by elected members. The operation of the Council’s planning services is controlled through the Constitution.

Neighbourhood Development Plans

Decisions on planning applications must be made in accordance with the development plan, including made Neighbourhood Plans (where these exist), unless other material considerations indicate otherwise.

Planning application decision notices

Following a decision on an application, the decision is sent to the applicant/agent advising them of the decision that has been made. This includes any details of conditions imposed if the application has been approved.

All those who make a representation on planning applications will be written to, informing them of the decision on the application. Decision notices can also be viewed on the Council’s website, as part of the planning file.

Appeals

The applicant has a right to appeal where they disagree with the Council's decision to refuse planning permission, to condition a planning permission or where a decision is not reached within the statutory time period.

Appeals are determined by the Planning inspectorate or in cases of significant national importance, by the Secretary of State. There are different time limits to make an appeal depending on the type of appeal and the circumstances.

Once we have been notified of an appeal by the Planning Inspectorate, we will notify all interested parties, including those who submitted comments on the application. We will provide a copy of all the comments received to the Planning Inspectorate. Interested parties will be advised of how they can be involved in the appeal process.

If an appeal is to be considered at an informal hearing or public inquiry, the Council will also notify all interested parties of the venue and time of the hearing in accordance with the Planning Inspectorate's requirements.

The Inspector will make a decision to dismiss or allow the appeal, or send a report to the Secretary of State. A copy of the decision notice will be sent to the appellant, the Council and any interested person who has requested a copy.

Developer/Agent/Promoter Consultation

The Council recommends that developers adopt at least one of the consultation methods listed in Table 5 below in advance of submitting planning applications for both minor and major applications. The type and nature of this consultation however will vary depending on the complexity and scale of the development proposed. The appropriate level of consultation will be discussed with the applicant at the pre-application meeting.

It should be noted that the Council can only request that applicants carry out pre-application consultation. The Council cannot refuse to accept planning applications because an applicant has not undertaken pre-application consultations. However the submission of a planning application following pre-application advice will ensure that it receives priority checking. Detailed pre-application guidance notes are available for viewing on the Council's website at www.arun.gov.uk.

Table 5 Pre Application consultation methods		
Approach	Major Applications	Minor Applications
Public meetings – on more controversial schemes, a wider audience can debate and discuss proposals	ü	

Public exhibitions – exhibitions held locally to the proposal can provide information and raise interest	ü	
Workshops – allow stakeholders and community groups to discuss in detail particular issues at an early stage of a development proposal. Professional independent facilitators may be considered as part of this process.	ü	
Planning for Real – uses simple models as a focus for people to put forward and prioritise ideas on how their area can be improved	ü	
Town & Parish Councils – important way of raising interest locally and provides access to a network of local community groups	ü	ü
Media – radio and local press can enable a wide audience to be reached. Documents and processes can be explained in simple, appropriate language	ü	ü
Mail drop – this would provide communities with information on proposed future involvement events	ü	
Street survey questionnaires – important method of obtaining the views of individuals or groups that would otherwise be difficult to obtain e.g. full time employed at transport nodes and leisure centres	ü	
Specialist community involvement consultant - this should be considered in order to devise overall strategy and run specific events	ü	
Notify neighbours – this can address concerns early on in the process and applications may be revised having regard to legitimate concerns raised	ü	ü
Website – all relevant documents can be provided online through dedicated web pages facilitated by the Council or applicant, keeping residents informed of consultation events etc. This method may also include web based questionnaires	ü	ü

It is envisaged that any legitimate concerns raised as part of the undertaking of the pre-application consultation methods outlined above would then inform planning applications.

Planning Performance Agreements

A Planning Performance Agreement (PPA), is a project management tool which the local planning authority and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage.

Arun District Council use the agreements as a more effective mechanism for handling planning applications for large, complex development projects (www.pas.gov.uk & www.atlasplanning.com).

A fundamental principle of PPA's is the front loading of activity, prior to submission of the planning application to ensure that applications are of a high quality, both in terms of the material submitted and the content of the proposal.

Planning Performance Agreements provide an ideal opportunity for identifying the preferred approach to community engagement, including the identification of the communities to involve, the process of engagement and the best approach to incorporating their views.

Arun District Council has a specific Strategic Planning Applications Team that solely assesses larger applications. The PPA process can only work effectively however, where there is co-operation on both sides i.e. on the part of the Council and the developer.

Planning Aid

Introduction

South East Planning Aid is a voluntary service linked to the Royal Town Planning Institute (RTPI) which offers free independent and professional advice on planning issues. Planning Aid is aimed at community groups and individuals who have limited resources to participate effectively in planning matters.

What type of service is provided by Planning Aid?

The current remit of Planning Aid involves advising community groups in negotiations with the Local Planning Authority, and, if necessary, representing the groups at examination. The Government is promoting the expansion of this service.

Every part of the UK is covered by Planning Aid with each region having its own service. The use of Planning Aid for advice as to appropriate engagement techniques should be considered by developers. Further information regarding contact details etc. can be found on the RTPI website www.rtpi.org.uk/planningaid/.

In addition to Planning Aid, information about the planning system can also be found on the Government planning portal website www.planningportal.gov.uk.

Monitoring and review of the Statement of Community Involvement

Introduction

In order to improve the service that Arun District Council provides to the public, it is proposed to monitor community involvement and engagement as part of both planning policy and development management practices.

It is the intention of the Council to monitor the consultation methods contained in this Statement of Community Involvement through the Authority Monitoring Report. As the success of community involvement techniques are monitored and reviewed, the results will inform the preparation of future planning policy documents and the consideration of planning applications.

Monitoring and Planning Policy

While it is difficult to monitor the effectiveness of certain consultation methods proposed as part of this Statement of Community Involvement such as newspaper advertisements it is proposed to monitor the effectiveness of the following methods in the following ways:-

Web	<p>Calculate the number of 'hits' on the Local Plan webpage during consultation periods.</p> <p>Include a note on the home page to advise the public that the Council offers a translation service should anyone wish to use this facility. Contact details of the appropriate person would also be provided.</p> <p>Use a pop up 'survey' window to determine the following information</p> <ul style="list-style-type: none"> (i) on a scale of 1-5 how useful did the user find the web page? (ii) how could the information provided or presented be improved? (iii) which group does the user belong to? (Refer to Appendix 1 for list of groups)
Letters & emails	Compare number of responses to numbers of letters and emails issued.
Presentations, meetings & workshops	<p>Provide a 'sign in' book to determine number of attendees at each venue.</p> <p>Carry out a survey on location to determine the following:</p> <ul style="list-style-type: none"> (i) was the chosen venue appropriate? (ii) was the venue accessible?

	(iii) was the time chosen for consultation at the venue suitable?
	(iv) were there appropriate levels of staff present at the venue?
	(v) how did the interviewee hear about this consultation session?
	(vi) were the consultation documents easy to understand?

Monitoring and Development Management

It is proposed that a proportion of all applicants who attend pre-application consultation complete a questionnaire at the end of the consultation sessions to determine the following;

- (i) type of application being discussed
- (ii) waiting times for consultation
- (iii) whether the advice given at the consultation session will result in changes to the proposed application

Reviewing the Statement of Community Involvement

We have endeavoured to make the Statement of Community Involvement flexible enough to deal with changing circumstances. It should only be necessary to revise the document where:-

- (i) there have been significant changes in national planning policy
- (ii) additional hard-to-reach groups have been identified
- (iii) lessons have been learnt from previous activities and new best practice has emerged

Abbreviations

AMR	Annual Monitoring Report
CA	The Countryside Agency
DC	Development Control
DPD	Development Plan Document
EA	The Environment Agency
HE	Historic England
HE	Highways England
LDD	Local Development Document
LDF	Local Development Framework
LDS	Local Development Scheme
LPA	Local Planning Authority
LSP	Local Strategic Partnership
LTP	Local Transport Plan
OS	Ordnance Survey
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RTPI	Royal Town Planning Institute
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SCI	Statement of Community Involvement
SOS	Secretary of State
SPD	Supplementary Planning Document
SRA	Strategic Rail Authority

Glossary of Terms

Annual Monitoring Report - This report looks at the implementation of the Local Development Scheme and how well the policies in the Local Development Documents are being achieved.

Area Action Plan - Area Action Plans are a type of Development Plan Document. These are used to provide a planning framework for areas of change or conservation.

Development Plan – As set out in section 38(6) of the Planning and Compulsory Purchase Act, an area's development plan consists of the relevant Development Plan Documents comprising a Strategic or Local Plan and Neighbourhood Plans.

Development Plan Documents – All Unitary/District/Borough Authorities must produce Development Plan Documents. These documents include the Strategic Plan, Local Plan, Site Allocations and Development Management Policies, Policies Map and Area Action Plans (where required). These are spatial documents and are subject to independent examination. There will be a right for anyone to make representations seeking change and to request to be heard at an independent examination.

Local Community – A generic term which includes all individuals (including the general public), businesses and organisations external to the District Council. It includes the statutory and other consultees.

Local Development Scheme – This document sets out the timetable for the preparation of the Local Development Documents. It identifies which Development Plan Documents and Supplementary Planning Documents are to be produced and when.

Local Plan

Policies Map – The adopted Policies Map illustrates all of the policies and proposals in the Development Plan Documents and any saved policies that are included in the Local Plan.

Site Allocations – These are allocations for specific or mixed uses or development contained in Development Plan Documents. The policies in the document will identify any specific requirements for individual proposals.

Stakeholders - Stakeholders include any person or organisation, local or national, who have a legitimate interest in what happens in our area.

Statement of Community Involvement – This Statement of Community Involvement is Arun District Council's formal policy to identify how and when local communities and stakeholders will be involved in the preparation of the

documents to be included in the Arun District Local Plan. The Statement also deals with the planning applications that Arun District Council is responsible for determining.

Strategic Environmental Assessment – The European ‘SEA Directive’ (2001/42/EC) requires a formal ‘environmental assessment’ of certain plans and programmes, including those in the field of planning and land use.

Supplementary Planning Documents – These documents provide supplementary information to the policies in the Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal – Sustainability Appraisal is a tool for appraising policies to ensure that they reflect sustainable development objectives (i.e. social, economic and environmental factors). It is required under the Planning and Compulsory Purchase Act 2004 to be carried out on all Development Plan Documents and Supplementary Planning Documents where necessary.

Sustainable Community Strategy – The Local Government Act 2000 requires Local Authorities to prepare a Sustainable Community Strategy in conjunction with other public, private and community sector organisations. Sustainable Community strategies should promote the economic, social and environmental wellbeing of their areas and contribute to the achievement of sustainable development. A copy of Arun’s Sustainable Community Strategy (‘Our Kind of Place’) can be viewed on the Arun District Council website at: www.arun.gov.uk/lsp

APPENDIX 1 - Who we will involve in each Plan document

Who we will involve	Local Plan Documents							
	Statement of Community Involvement	Local Development scheme	Strategic and Local Plans	Site Allocations and Development Policies	Area Action Plans (where required)	Supplementary Planning Documents.	Annual Monitoring Report	SEA/SA/HRA
GENERAL CONSULTEES								
Voluntary bodies some or all of whose activities benefit any part of the authority's area	ü		ü	ü	ü	ü		
Bodies which represent the interests of different racial, ethnic or national groups in the authority's area	ü		ü	ü	ü	ü		
Bodies which represent the interests of different religious groups in the authority's area	ü		ü	ü	ü	ü		
Bodies which represent the interests of disabled persons in the authority's area	ü		ü	ü	ü	ü		
Bodies which represent the interests of persons carrying on business in the authority's area	ü		ü	ü	ü	ü		
SPECIFIC CONSULTEES								
The Coal Authority	ü		ü	ü	ü	ü		
West Sussex County Council	ü		ü	ü	ü	ü		
Chichester District Council	ü		ü	ü	ü	ü		
Worthing Borough Council	ü		ü	ü	ü	ü		
Adur District Council	ü		ü	ü	ü	ü		
South Downs National Park Authority	ü		ü	ü	ü	ü		
Town and Parish Councils and Parish meetings both within and adjoining Arun District	ü		ü	ü	ü	ü		

The Highways Agency	ü		ü	ü	ü	ü		
Network Rail Infrastructure Ltd (Company No. 2904587)	ü		ü	ü	ü	ü		
The Marine Management Organisation	ü		ü	ü	ü	ü		
Police Authority	ü		ü	ü	ü	ü		
The Environment Agency (EA)	ü		ü	ü	ü	ü		ü
Natural England	ü		ü	ü	ü	ü		ü
Heritage England	ü		ü	ü	ü	ü		ü
Relevant telecommunications companies	ü		ü	ü	ü	ü		
Primary Care Trust and CCG	ü		ü	ü	ü	ü		
Relevant electricity and gas companies	ü		ü	ü	ü	ü		
Relevant sewerage and water undertakers	ü		ü	ü	ü	ü		
Homes England	ü		ü	ü	ü	ü		
LOCAL								
Local residents	ü		ü	ü	ü	ü	ü	
In addition to local residents, we will consider consulting the following bodies where we think it is appropriate; Community representatives Residents associations Local amenity societies Local landowners Housing associations								
HARD TO REACH								
Younger people/ groups representing younger people	ü		ü	ü	ü	ü		
People with disabilities / groups representing the disabled	ü		ü	ü	ü	ü		
People with learning difficulties	ü		ü	ü	ü	ü		
Older people	ü		ü	ü	ü	ü		
20 – 50 year age category	ü		ü	ü	ü	ü		
Rural communities/ groups representing rural communities	ü		ü	ü	ü	ü		

Minority ethnic groups/ groups representing minority ethnic groups	ü		ü	ü	ü	ü		
Groups with Protected Characteristics as set out under the Equalities Act and Equalities Duty 2010			ü	ü	ü	ü		
Businesses	ü		ü	ü	ü	ü		
Gypsies and travellers	ü		ü	ü	ü	ü		
General public	ü		ü	ü	ü	ü		
Regional health bodies	ü		ü	ü	ü	ü		
Conservation & environmental groups	ü		ü	ü	ü	ü		
Transport companies and bodies	ü		ü	ü	ü	ü		
Rural and countryside	ü		ü	ü	ü	ü		
Land and property interests	ü		ü	ü	ü	ü		
Business organisations	ü		ü	ü	ü	ü		
Education, learning and skills	ü		ü	ü	ü	ü		
Retail and town centre	ü		ü	ü	ü	ü		
Tourism interests	ü		ü	ü	ü	ü		
Land owner and developer interests	ü		ü	ü	ü	ü		
Local Strategic Partnership	ü		ü	ü	ü	ü		
All those currently included on the LDF consultation database	ü		ü	ü	ü	ü		

üDepending on the subject matter of the Planning Document

APPENDIX 2 – Consultation Methods

Consultation Methods involved at the various stages of the Development Plan Document Production (Please read these Tables with Appendix 1)

(a) REGULATION 18 CONSULTATION

Target Group	Method of Consultation*									
	Advertising	Web	Letters and/ or Emails**	Presentations and/ or Public Meetings	Meetings	Community Representatives	Unstaffed displays	School Councils and/ or Youth Council	Survey Methods	Consultation Documents (which may include Summary Leaflets)***
Specific Consultees			☐							☐
General Consultees			☐							☐
Local	☐	☐	☐	☐					☐	☐
Hard to Reach										
Younger people/ groups representing younger people	☐	☐	☐	☐				☐	☐	☐
People with disabilities/ groups representing the disabled	☐	☐	☐	☐			☐	☐	☐	☐
People with learning difficulties	☐	☐				☐			☐	☐
Older people	☐	☐		☐			☐		☐	☐
20-50 year age category	☐	☐		☐			☐		☐	☐

Rural communities/ groups representing rural communities	ü	ü	ü	ü		ü	ü		ü	ü
Minority ethnic groups/ groups representing minority ethnic groups	ü	ü	ü	ü		ü	ü		ü	ü
Groups with Protected Characteristics as set out under the Equalities Act and Equalities Duty 2010	ü	ü				ü	ü		ü	ü
Businesses	ü	ü	ü	ü	ü		ü		ü	ü
Other Stakeholders	ü	ü	ü	ü			ü		ü	ü

*The methods of consultation as outlined in this Table are a guide and will be used as deemed appropriate and necessary, depending on the type of consultation document being consulted upon at the time and taking into account people’s preferences.

** Letters and/or emails shall be forwarded to those who are currently included on Arun District Council’s consultation database. The database comprises all those people/organisations who have supplied name, address and email details and asked to be kept informed of the LDF process. Should you wish to be included on this database you must inform the Planning Policy Team by email or in writing (see Section 7.1 for details). The Planning Policy Team will update the consultation database on a continual basis. However, where a particular consultation event has already commenced it may not be expected that new entries to the consultation database will be informed of a consultation that is ongoing at that time.

*** Electronic copies of consultation documents will be available on the Council’s website, public libraries throughout the District and the District Council offices and should be used for reference in the first instance. Where this is not possible, alternative mediums may be made available on request. This may incur a charge.

(b) PUBLICATION OF PRE-SUBMISSION DOCUMENT

Target Group	Method of Consultation*										
	Advertising	Web	Letters and/ or Emails**	Presentations and/ or Public Meetings	Meetings	Community Representations	Workshops	Unstaffed displays	School Councils and/ or Youth Council	Survey Methods	Consultation Documents (which may include Summary Leaflets)***
Specific Consultees			<input type="checkbox"/>								<input type="checkbox"/>
General Consultees			<input type="checkbox"/>								<input type="checkbox"/>
Local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>			<input type="checkbox"/>
Hard to Reach											
Younger people/ groups representing younger people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
People with disabilities/ groups representing the disabled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>			<input type="checkbox"/>
People with learning difficulties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>			<input type="checkbox"/>
Older people	<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>			<input type="checkbox"/>
20-50 year age category	<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>			<input type="checkbox"/>

Rural communities/ Groups representing rural communities	ü	ü	ü					ü			ü
Minority ethnic groups/ groups representing minority ethnic groups	ü	ü	ü					ü			ü
Groups with Protected Characteristics as set out under the Equalities Act and Equalities Duty 2010	ü	ü						ü			ü
Businesses	ü	ü	ü					ü			ü
Other Stakeholders			ü								ü

*The methods of consultation as outlined in this Table are a guide and will be used as deemed appropriate and necessary, depending on the type of consultation document being consulted upon at the time and taking into account people’s preferences..

** Letters and/or emails shall be forwarded to those who are currently included on Arun District Council’s consultation database. The database comprises all those people/organisations who have supplied name, address and email details and asked to be kept informed of the LDF process. Should you wish to be included on this database you must inform the Planning Policy Team by email or in writing (see Section 7.1 for details). The Planning Policy Team will update the consultation database on a continual basis. However, where a particular consultation event has already commenced it may not be expected that new entries to the consultation database will be informed of a consultation that is ongoing at that time.

*** Electronic copies of consultation documents will be available on the Council’s website, public libraries throughout the District and the District Council offices and should be used for reference in the first instance. Where this is not possible, alternative mediums may be made available on request. This may incur a charge.

(c) EXAMINATION AND SUBMISSION

Target Group	Method of Consultation*				
	Advertising	Web	Letters and/ or Emails**	Meetings***	Consultation Documents (which may include Summary Leaflets)****
Specific Consultees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
General Consultees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Hard to Reach					
Younger people/ groups representing younger people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
People with disabilities/ groups representing the disabled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
People with learning difficulties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Older people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
20-50 year age category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Rural communities/ groups representing rural communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Minority ethnic groups/ groups representing minority ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

Groups with Protected Characteristics as set out under the Equalities Act and Equalities Duty 2010	ü	ü			ü
Businesses	ü	ü	ü		ü
Other Stakeholders	ü	ü	ü		ü

*The methods of consultation as outlined in this Table are a guide and will be used as deemed appropriate and necessary, depending on the type of consultation document being consulted upon at the time and taking into account people's preferences.

** Letters and/or emails shall be forwarded to those who are currently included on Arun District Council's consultation database. The database comprises all those people/organisations who have supplied name, address and email details and asked to be kept informed of the LDF process. Should you wish to be included on this database you must inform the Planning Policy Team by email or in writing (see Section 7.1 for details). The Planning Policy Team will update the consultation database on a continual basis. However, where a particular consultation event has already commenced it may not be expected that new entries to the consultation database will be informed of a consultation that is ongoing at that time.

***A meeting during the stage of the plan making process may be held with the Inspector at his/her request

**** Electronic copies of consultation documents will be available on the Council's website, public libraries throughout the District and the District Council offices and should be used for reference in the first instance. Where this is not possible, alternative mediums may be made available on request. This may incur a charge.



Statement of Gambling Licensing Principles 2019-2022



January 2019



ARUN DISTRICT COUNCIL STATEMENT OF GAMBLING LICENSING PRINCIPLES

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**NB: The page numbers shown on this page may be incorrect whilst this document is in draft and/or editing stage. These will be checked and corrected before the final version is published.*

This Statement of Licensing Principles was approved by Arun District Council on ??????

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published in September 2015. Parts 17, 18 and 19 of the Guidance updated September 2016.

PART A**1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

2. Introduction

Arun District Council is situated in the County of West Sussex, a county which contains seven District Councils. (Chichester, Arun, Worthing, Adur, Horsham, Mid Sussex and Crawley). The Council area has a population of 155,732 (2015 Office of National Statistics) making it the largest in the County in terms of population. In terms of area it covers approximately 85 square miles, making it relatively small in comparison with two of its neighbouring Districts (Chichester and Horsham) but relatively large in comparison with its other neighbouring Districts (Worthing and Adur).

The Arun District is a mix of urban and rural areas, with centres of population being the towns of Arundel, Bognor Regis and Littlehampton. The latter two towns have expanded into neighbouring parishes, forming substantial urban conurbations. The Eastern end of the District, including Littlehampton, forms part of the Brighton, Worthing and Littlehampton conurbation, which is calculated to be the 12th largest in England. Part of the Northern area of the District is within the South Downs National Park, whilst the Southern part of the District is coastal. Bognor Regis and Littlehampton and many of the coastal parishes are popular visitor destinations, as is Arundel and other parts of the District.

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

As required by Section 349 of the Gambling Act 2005, Arun District Council consulted the following businesses and authorities prior to the publication of their Licensing Policy Statement:

- Sussex Police
- West Sussex Local Safeguarding Children’s Board
- West Sussex Trading Standards
- Local Safeguarding Children’s Board
- The British Amusement Catering Trading Association (BACTA)
- Association of British Bookmakers
- The proprietors of Harbour Park, Littlehampton.
- The proprietors of Lordsdale Estates (Cassino), Bognor Regis and Littlehampton.
- Bognor Regis Town Council
- Littlehampton Town Council

- Arundel Town Council
- The Safer Arun Partnership
- Parish councils with sites in their parishes which are licensed to provide gambling, namely the parishes of Pagham, Rustington, Felpham, Bersted and Walberton.
- Southdown Parks Authority.

Our consultation took place over a 6 week period between and.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

The Licensing Team
Arun District Council
Civic Centre
Maltravers Road
Littlehampton, BN17 5LF

Licensing@arun.gov.uk

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

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

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

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, that a body is appointed to consider child protection matters, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at www.arun.gov.uk.

5. Interested parties

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

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

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 advice should be sought from the Licensing Team at Arun District Council.

6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Information may be exchanged with other Licensing Authorities and Sussex Police.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities 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 will be implemented fairly and in a consistent manner;
- 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.

As per the Gambling Commission's Guidance to Licensing Authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing authority functions

Licensing authorities are required under the Act 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* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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 there are more than two machines
- 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 above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

9. Returns and Information requirements

This summary is taken from the Gambling Commission guidance (5th Edition), page 68.

Summary of information requirements

Licensing function	Event requiring information to be sent to Commission
Premises licences and provisional statements	Licensing authority has granted / rejected an application for a premises licence or provisional statement
	A premises licence has lapsed
	Licensing authority has granted or rejected an application to reinstate a premises licence
	Licensing authority has granted or rejected an application to transfer or vary a premises licence
	A review of a premises licence has been completed and a decision made
	A hearing is to be held where the Commission has made a representation
	A premises licence has been surrendered / revoked
Club permits	A club permit application has been granted / rejected
Small society lottery registration	Licensing authority registers a society to operate small lotteries
	Licensing authority cancels a society's registration to operate small lotteries
	Where a society has exceeded the permitted proceeds for small lotteries
Issue of permits and temporary permissions	Licensing authority returns
Inspections and reviews	Licensing authority returns

Other licensing authority information requirements

- 13.13 Licensing authorities are also required to maintain the following information²⁷:
- small society lotteries: licensing authorities are required to record details of the lottery on a register and to notify both the applicant and the Commission of this registration
 - club gaming permits: when they either grants or rejects an application for a club gaming permit they are required to inform both the applicant and the Commission.
- 13.14 There are a range of statutory application forms and notices that licensing authorities are required to use as part of their gambling licensing responsibilities. A summary list of these can be found in Appendix E. The forms and notices can be downloaded from the Commission's website.
- 13.15 Licensing authorities provide advice to those who make enquiries to them, about the legal responsibilities involved in providing premises or holding permits for gambling, whether or not they currently hold a licence or a permit.
- 13.16 Licensing authorities should feel free to signpost enquiries relating to operating or personal licences to the Commission.

²⁷ Schedule 11, Part 5, para 44 of the Gambling Act 2005

An annual return is required to be submitted to the Gambling Commission in May. This return covers the period 1st April – 31st March each year.

10. Data Protection Regulations (G.D.P.R)

Gambling and the General Data Protection Regulation (GDPR).

GDPR impacts on how we, as an Authority, collect, store and use the information provided to us by applicants and others; individuals or organisations.

To see how GDPR affects you and how we use your information, please see our Privacy Statement which is available at <https://www.arun.gov.uk/licensing-privacy>

The Gambling Commission have issued a statement on GDPR for gambling businesses / operators which is available to view by following the below link:

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/General-compliance/General-Data-Protection-Regulation-GDPR.aspx>

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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 approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. The licensing authority will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority." The licensing

authority will usually require that where any partitions are used to separate one premises from another, the partitions should be substantial and fixed in such a manner that they cannot be readily moved.

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should 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. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be 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.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

(iv) Location:

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The Gambling Commission Guidance to Licensing Authorities includes the following: 7.58 – “In determining applications the licensing authority should not take into consideration matters which are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.”

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance: 7.65 – “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control and building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

(vi) Duplication with other regulatory regimes:

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. (There is, however, more of a role with regard to tracks which is explained in more detail in the Tracks section of this statement.).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005

specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and

- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industry Authority (SIA) licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes, including the recording of all age verification checks conducted
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Restricted entry systems.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states: 18.5 "Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises."

This authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises. However they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes, including the recording of all age verification checks conducted

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.44).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.46).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas (such as betting rings) must be indicated on the plan.

8. Travelling Fairs

This licensing authority is responsible for deciding if category D machines and / or equal chance prize gaming, without a permit, are to be made available for use at travelling fairs. The statutory requirement is that the facilities for gambling amount to no more than an ancillary amusement.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Local Risk Assessments

From 6 April 2016 premises licence holders **must** conduct a local risk assessment for each of their current premises. This applies to:

- adult gaming centres
- family entertainment centres
- non-remote betting
- non-remote bingo
- non-remote casinos

- remote betting intermediary (trading room only).

They will also be required to conduct or update a risk assessment when:

- applying for a new premises licence
- applying for a variation to a premises licence
- changes in the local environment or their own premises warrant a risk assessment to be conducted again.

What we expect:

When conducting local risk assessments, Licence holders must take into account the relevant matters identified in the licensing authority's statement of licensing policy.

Licence holders should have regard to their local area profile, taking into account their proximity to:

- Schools, Colleges, Youth Centres etc. with reference to the potential risk of under-age gambling, including:
 - Pupil Referral Unit, the Flintstone Centre, East Street, Littlehampton.
- Hostels or Support Services for vulnerable persons, such as those with addiction issues or who are homeless. It has been identified that there is a greater risk of problem gambling amongst these groups. Local services include:
 - Bedale Centre, Glencathara Road, Bognor Regis
 - Dove Lodge, Beach Road, Littlehampton
 - Pepperville House, Fort Road East, Littlehampton
 - Clockwalk Project, High Street, Bognor Regis; and
 - Glenlogie, Clarence Road, Bognor Regis.
- Other gambling premises; and
- Any other premises identified as being relevant, especially those that attract children or vulnerable adults, **including community premises frequented by special interest groups.**

They should also take notice of:

- Any known issues locally with problem gambling.
- The surrounding Night Time Economy and any possible interaction with gambling premises.
- The Socio-Economic makeup of the area, and
- The number of and the different types of gambling premises in the local area.

We expect the risk assessment to be structured in a manner that offers sufficient assurance that a premise has suitable controls and procedures in place. These controls should reflect the level of risk within their particular area, which will be determined by local circumstances.

The risk assessment should take into account the risks presented by the local landscape, such as the premises' exposure to particular vulnerable groups. A LA would be expected to challenge an operator's risk assessment where it can be evidenced that there are local risks that the operator has failed to take into consideration.

The aim of this requirement is to enable operators and LA's to engage in constructive dialogue at an early stage, reducing the likelihood of costly enforcement action at a later date.

Whilst there is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, ordinary code 10.1.2 states that licensees should share their risk assessment with licensing authorities on request as best practice. We therefore consider it appropriate for operators to hold premises risks assessments on premises. Doing so can also save considerable time and

expense, as well as increasing the confidence of those agencies as to the operator's awareness of their obligations.

Background to this requirement

Local licensing authorities (LA's) are required, under Section 153 of the Gambling Act 2005, to aim to permit the use of premises for gambling; as long as they consider the provision of gambling to be in accordance with the codes of practice issued by the Commission, Guidance to Licensing Authorities (GLA), and reasonably consistent with the licensing objectives and the authority's own statement of licensing policy.

As a means of assisting us in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, we consider that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following a review of the social responsibility elements of the Licence conditions and codes of practice (LCCP), the Gambling Commission introduced a social responsibility code (SR code 10.1.1), requiring operators to conduct local risk assessments of their premises to demonstrate how they aim to address the local risks to the licensing objectives.

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review
- the Gambling Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits.

Paragraph 7, Schedule 10 of the Gambling Act 2005 states that the licensing authority may prepare a statement of principles that they propose to apply under Schedule 10 (Family Entertainment Centre Gaming Machine Permits). This statement contains such principles.

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may include a *statement of principles* that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability if the applicant.

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed family entertainment centre, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applications to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))
Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to

automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay a small fee.

The licensing authority will need to satisfy itself that the premises meet the criteria set out in the Act, namely:

- that the applicant holds an on-premises alcohol licence, and
- the premises contains a bar at which alcohol is served for consumption on the premises, and
- there is no condition on the licence requiring that alcohol is only served with food.

The authority is aware of the explanatory note to the Act which says: "Premises such as restaurants which do not have a bar for serving drinks to customers will fall outside of the scope of the premises to which sections 279 and 284 (of the Act) apply."

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: Three or more machines

If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

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

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".

This licensing authority has prepared a Statement of Principles which is that the applicant should set out

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to offer equal chance gaming and games of chance as set-out in regulations made pursuant to the Act. Such a permit will also enable the premises to provide gaming machines in those categories specified in regulations made pursuant to the Act.

Members Clubs and Miners' Welfare Institutes and Commercial Clubs, may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines in those categories specified in regulations made pursuant to the Act.

The Act states: "Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations." A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

Licensing authorities may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- 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
- e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12. Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure."

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (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."

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

5. Temporary Use Notices

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

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

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

6. Occasional Use Notices:

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

PART D

Fees

This Licensing Authority will set fees in accordance with the provisions of the Gambling Act 2005, having regard to any guidance issued by the Secretary of State.

Fees will be reviewed from time to time and published on the Authorities' website.

DRAFT

BOGNOR REGIS TOWN COUNCIL

PLANNING AND LICENSING COMMITTEE MEETING

7th AUGUST 2018

AGENDA ITEM 17 - CORRESPONDENCE

FOR INFORMATION

1. SSALC - Consultation: Bye Laws on Sites of Special Scientific Interest (SSSI's) issued by Natural England. NALC will be responding to the consultation on behalf of the local councils that they represent. Councillors are invited to email any comments regarding WSCC - Planned Roadwork Reports dated 18th July - 1st August 2018. Circulated to Councillors and published on Facebook
2. ADC - Update on group of Travellers in the Arun District area. Emailed to Councillors
3. ADC - Non-Strategic Sites DPD Methodology, Powerpoint presentation and Notes from Parish Briefing held by ADC. Circulated to Committee Members
4. Copy of letter received by Town Council's Projects Officer, from Nick Gibb MP, in response to an invitation sent to the Minister of State for Housing to visit Bognor Regis in order to witness the impact that the vast amount of housing being forced upon the wider Bognor Regis area is having
5. Network Rail - Response to query raised by the Town Council in regard to the lightning conductor on the roof of Bognor Regis Railway Station
6. ADC - Adoption of Arun Local Plan (2011-2031). Emailed to all Councillors
7. HCLG - Leasehold reform inquiry launched by MPs
8. WSCC - Planned roadworks in West Sussex 25th July-8th August 2018 - forwarded to Councillors and relevant entries on Social Media
9. Westminster Briefing - Local Land Charges Briefing to be held in London on 2nd October 2018
10. ADC - Final Methodology for the NSS DPD and Neighbourhood Plans
11. Westminster Briefing - The Next Steps for Building Regulations and Fire Safety, London, Tuesday 25th September