



## LICENSING AND REGISTRATION COMMITTEE

**DATE:** Wednesday, 18 July 2018  
**TIME:** 7.30 pm  
**VENUE:** Council Chamber, Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

Councillor Cossens (Chairman)  
Councillor Callender (Vice-Chairman)  
Councillor Amos  
Councillor B Brown  
Councillor Davis  
Councillor V Guglielmi

Councillor J Henderson  
Councillor Watson  
Councillor White  
Councillor Whitmore  
Councillor Winfield

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573.

DATE OF PUBLICATION: Tuesday, 10 July 2018

## **AGENDA**

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 4)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 11 April 2018.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 37**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Minutes of the Premises/Personal Licences Sub-Committee (Pages 5 - 22)**

The Committee is to receive and note, the information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 24 May and 4 June 2018.

### **6 Minutes of the Miscellaneous Licensing Sub-Committee (Pages 23 - 26)**

The Committee is to receive and note, the information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 4 June 2018.

### **7 Report of the Corporate Director (Operational Services) - A.1 - Licensing Act 2003 - Applications approved under Delegated Powers (Pages 27 - 32)**

Details of licences that have been approved under Delegated Powers during the period 13 March 2018 to 11 June 2018 are submitted for the Committee's information.

### **8 Report of Corporate Director (Operational Services) - A.2 - Hackney Carriage Fares (Pages 33 - 40)**

To consider the increase in the scale of fares, and a change in distance for which the fare is calculated that is currently operative within the District, following a public consultation on the proposed changes.

**9 Report of Corporate Director (Operational Services) - A.3 - Review of the Council's Draft Statement of Gambling Policy for Public Consultation (Pages 41 - 102)**

To request that the Committee review and agree the draft revision of the Council's Statement of Gambling Policy which will run for three years from the 31 January 2019 following public consultation and adoption by the Full Council.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Licensing and Registration Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 7.30 pm on Wednesday, 10 October 2018.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION  
COMMITTEE,  
HELD ON WEDNESDAY, 11TH APRIL, 2018 AT 7.30 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Cossens (Chairman), Callender (Vice-Chair), Amos, Bennison, B Brown, M Brown, V Guglielmi, J Henderson, Scott, Skeels Jnr, Watson, White, Whitmore and Winfield
<b>In Attendance:</b>	Mark Westall (Head of Customer and Commercial Services), Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager) and Debbie Bunce (Legal and Governance Administration Officer)

**31. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Bucke (with Councillor Scott substituting).

**32. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee held on Wednesday 12 April 2017 were approved as a correct record and signed by the Chairman.

**33. DECLARATIONS OF INTEREST**

There were none.

**34. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 5 JUNE 2017**

The Committee received and noted, for information only, the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 5 June 2017.

**35. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 11 DECEMBER 2017**

The Committee received and noted, for information only, the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 11 December 2017.

**36. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 23 FEBRUARY 2018**

The Committee received and noted, for information only, the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 23 February 2018.

37. **MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE "C" HELD ON 15 MAY 2017**

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee "C" held on 15 May 2017.

38. **MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE "A" HELD ON 14 AUGUST 2017**

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee "A" held on 14 August 2017.

39. **MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE "C" HELD ON 20 NOVEMBER 2017**

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee "C" held on 20 November 2017.

40. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS**

The Committee noted the contents of a report (A.1) on the number of applications approved under delegated powers as at 13 March 2018, which was submitted for information only.

41. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 HACKNEY CARRIAGE FARES**

The Committee had before it a report (A.2) which sought its consideration of a letter that had been received on 6 December 2017 from the Tendring District Taxi Association (TDTA) requesting an increase in the scale of fares, and a change in distance for which the fare was calculated that was currently operative within the District. The letter was attached as Appendix 'A' to the report.

It was reported that Members had last granted a fare increase that was effective from 29 July 2012.

Members were advised that should they determine to grant an increase to the table of fares, such increase must be advertised in the local press and any representations received placed before the next available meeting of the Committee.

A comparison table of the cost of the existing tariff and the proposed tariff was attached as Appendix B to the report.

A comparison table of the proposed tariff and other local authorities within Essex was attached as Appendix C to the report.

Officers felt that, owing to the increases in fuel, vehicle maintenance and insurance, and that there had been no request for an increase to the fare tariff since 2012; that there was merit in Members giving consideration to the request.

Having considered the request of the Tendring District Taxi Association it was moved by Councillor White, seconded by Councillor V E Guglielmi and -

**RESOLVED** that:

- a) the Committee is minded to grant the Tendring District Taxi Association's request for an increase in the Hackney Carriage Fare Scale, subject to two amendments to the Comparison Fare Table whereby:
  - (i) Each subsequent 196 yards or part thereof be amended to read "Each subsequent 200 yards or part thereof"; and
  - (ii) Waiting time of 54 seconds be amended to read "Waiting time of 1 minute".
- b) public notice be given of the intention of the Council to increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the request made by the Tendring District Taxi Association (as amended at the meeting);
- c) that any representations received in response to the said public notice be considered at the next meeting of the Committee; and
- d) that if no representations are received in response to the said public notice, or if all representations that are received are in favour of the fare increase, the Licensing Manager, in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee be authorised to implement the new Hackney Carriage Fare Scale within the District with effect from 28 days following the end of the public consultation period.

**42. EXCLUSION OF PRESS AND PUBLIC**

It was **RESOLVED** that, under Schedule 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of agenda items 13 – 15 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

**43. EXEMPT MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 5 JUNE 2017**

The Committee received and noted, for information only, the exempt minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 5 June 2017.

**44. EXEMPT MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 11 DECEMBER 2017**

The Committee received and noted, for information only, the exempt minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 11 December 2017.

**45. EXEMPT MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 23 FEBRUARY 2018**

The Committee received and noted, for information only, the exempt minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 23 February 2018.

The meeting was declared closed at 7.54 pm

**Chairman**



**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON THURSDAY, 24TH MAY, 2018 AT 1.05 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Cossens, V E Guglielmi, J Henderson and Watson (Standby Member)
<b>Also Present:</b>	Councillors Broderick, P B Honeywood, S A Honeywood, King and Winfield
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Ian Ford (Committee Services Manager) and Steve Mahoney (Licensing Enforcement Officer)

**1. CHAIRMAN FOR THE MEETING**

It was moved by Councillor V E Guglielmi, seconded by Councillor J Henderson and:-

**RESOLVED** - that Councillor Cossens be elected Chairman for the meeting.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**3. MINUTES**

The minutes of the following meetings were approved as correct records and signed by the Chairman:-

- (1) last meeting of the Premises/Personal Licences Sub-Committee 'A' held on 14 August 2017; and
- (2) last meeting of the Premises/Personal Licences Sub-Committee 'B' held on 20 November 2017.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - LICENSING ACT 2003 - APPLICATION NO: 18/00213/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - HOLLAND FOOTBALL CLUB - THE CLUB HOUSE, DULWICH ROAD, HOLLAND-ON-SEA**

The Chairman (Councillor Cossens) welcomed everyone to the meeting, made introductory remarks and stated that he wished to give an equal amount of time to both the applicants and the objectors to make their cases. He proposed 30 minutes for each side.

There was then short period of time when the list of objectors who wished to speak was compiled and it was also agreed by the Chairman that Councillor S A Honeywood, a local Ward Member, would speak on behalf of all Tendring District Councillors who were present in the public gallery.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Corporate Director (Operational Services), an application for the Grant of a Premises Licence at Holland Football Club, The Clubhouse, Dulwich Road, Holland-on-Sea.

Section 2.2 of the written report set out the original proposed opening hours for the premises which were:-

Mondays to Thursdays – 1000 to 0030 hours  
Fridays and Saturdays – 1000 to 0230 hours  
Sundays – 1000 to 0130 hours

However, following concerns raised, on the application as a whole, by the Council's Environmental Services, being a Responsible Authority, Mr Sorrell, the Chairman of Holland Football Club had agreed to make the following amendments to the application (as set out in Section 2.3 of the report):-

#### Regulated Entertainment for the Outside Areas

Mondays to Thursdays – 1100 to 2200 hours  
Fridays and Saturdays – 1100 to 2300 hours  
Sundays – 1100 to 2200 hours

#### Premises Closing Times

Mondays to Thursdays – 0030 hours  
Fridays and Saturdays – 0130 hours  
Sundays – 0030 hours

The Council's Environmental Services Section had confirmed that they would have no objection to those amended hours.

The Licensing Manager made the Sub-Committee aware that, since the aforementioned agreement with Environmental Services, Mr Sorrell had further revised the proposed opening hours after taking into consideration the objections raised by local residents. Those further amended opening hours were as follows:-

Mondays to Thursdays – 1100 to 2300 hours  
Fridays and Saturdays – 1100 to 0000 hours  
Sundays – 1100 to 2300 hours

The Licensing Manager then reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.5 of the written report.

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within their Operating Schedule and these were detailed in Sections 4.1 to 4.5 inclusive.

The Sub-Committee was informed that a petition had been submitted by Holland Football Club showing 320 persons in support of the application and 17 individual letters of support had been received in relation to this application.

Members were further informed that 147 letters of representation/objection had been received in relation to this application.

It was reported that no other Responsible Authorities had made representations on the application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance;
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control.

The Chairman asked if anyone had any questions that they would like to ask the Licensing Manager following her summary of the written report. There were no questions asked.

David Davies, appearing on behalf of the applicant, then addressed the Sub-Committee and:-

- (1) outlined how applicant had reduced the hours applied for on two occasions in response to the concerns raised through the consultation process;
- (2) stated that alcohol would only be served in a small part of the premises namely the Hall (which was 7m by 8m in size);
- (3) confirmed that the main purpose was not to service the sale of alcohol per se it was merely ancillary by subsidising the cost of the facilities provided to local football teams which was the primary function of Holland Football Club;
- (4) stated that under the previous licence at the premises it had run for 12 years without any recorded complaints and that this new application did not seek anything different to the previous licence;
- (5) stated that the new clubhouse was 50m further away from residential property than the previous demolished clubhouse;
- (6) acknowledged that there had been parking problems in the past which had caused nuisance to local residents but stated there was now a bigger up to 85 space car park which should alleviate those problems;
- (7) drew the Sub-Committee's attention to other sports and recreation clubs in the District which had licensed premises and had later opening hours to that being proposed in this application;

- (8) reminded the Sub-Committee that Holland Football Club offered an excellent much needed facility for children to play sport;
- (9) stated that the applicant had responded positively to the objections raised;
- (10) stated that the this premises would in no way become a 'night spot' seeking to attract people from Clacton Town Centre for a late night drink; and
- (11) informed the Sub-Committee that the Football Club had a stringent management plan; was working in consultation with Environmental Services; that bar staff would be fully trained and that there would be a policy in place that anyone who appeared to be under the age of 25 would be challenged to produce photo ID.

Mr Davies then called as a witness, Leigh Whyte, the Treasurer at Holland Football Club who read out a short statement outlining the purpose and management structure of the Club and confirming that they were merely seeking to have the same permissions as the previous licence.

Mr Davies then called as a witness, Colin Sargeant who was the local Essex County Councillor (Clacton East Division). County Councillor Sargeant addressed the Sub-Committee and:-

- (1) agreed that he had objected to the original application as the hours being sought were 'frankly ridiculous'. However, he was pleased that the Football Club had then responded to the objections raised and had reduced the proposed hours;
- (2) stated that Holland Football Club was a much needed facility in the community; sports and recreation clubs could be a hub of local life and that sports clubs could help make a difference in the fight against childhood and adult obesity;
- (3) referred to other licensed premises in Holland-on-Sea that had later licensed hours;
- (4) stated that the hall where alcohol would be served could only seat 36 people;
- (5) advocated holding open days for local residents to visit the premises and be able to raise any concerns/complaints etc. with the Club management;
- (6) stated that the Club car park had increased considerably in size which would ease parking problems and he also stated that he would support a residents' parking scheme in that location;
- (7) stated that he hoped that local residents would become members of the Club; and
- (8) stated that the proposed hours were proportionate and appropriate in that location.

Mr Davies then called as a witness Tony Rulten, who was representing the Holland Residents' Association (HRA). Mr Rulten addressed the Sub-Committee and:-

- (1) stated that the HRA had opposed the initial application but had decided to enter into discussions with the applicant and that the HRA were pleased that the proposed hours had now been reduced to those previously enjoyed at the premises.
- (2) stated that the new car park would ease the previous car parking problems;
- (3) stated that there had not been any problems at the premises under the previous licence;
- (4) stated that the HRA were now happy to support the application;
- (5) stated that on a site visit the HRA committee had been impressed with the Club's facilities and had noted the smallness of the hall; and
- (6) stated that the purpose of the bar was merely to provide an additional source of income to help the Club subsidise its future plans.

Albert Buckle, an objector, asked how many people would be using the outside of the premises as he had heard a figure of 2,000. Mr Davies replied that for an event of that size the Club would need to apply for, and have granted, a Temporary Event Notice. Also, given the size of the premises an event of that size would be extremely unlikely.

David Rose, an objector, stated that the applicant's noise and nuisance action plan referred in several places to outside music and asked if the position could be confirmed? Mr Davies replied that the tarmac access road would reduce traffic noise; the installation of a close boarded fence would attenuate the noise of outside music and a noise limiter on amplified music would also bring noise levels down.

Councillor S A Honeywood, a local Ward Member, questioned why so many of the signatories on the petition supporting the application were from people who lived outside the District. Ms Whyte replied that visitors from football teams from outside the District who had played matches at Holland Football Club had shown their support by signing the petition. The Licensing Manager also reminded the Sub-Committee that The Police Reform and Social Responsibility Act 2011 had removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and had also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises, and had substituted instead that representations could be made and accepted by the Licensing Authority from 'other persons'.

Mr Buckle drew attention to the fact that there had been no mention of live music events on the header of the 'supporting' petition and asked whether all of the petition had been accepted by the Council given that, in his view, some at least had been submitted after the deadline for the submission of representations. The Licensing Manager confirmed that some of the petition had been accepted and another part had been rejected as it had been received 'out of time'.

Councillor Cossens asked County Councillor Sargeant why he had changed his mind on the application. County Councillor Sargeant replied that it was due to the fact that the applicant had reduced the hours being sought.

Councillor V E Guglielmi asked what music would be played at the premises. Ms Whyte replied that it would be ordinary disco music. There would be rubber mats placed under the speakers to absorb noise and, in addition, the speakers would face out on to the football pitch and away from the nearest properties.

Councillor Cossens asked who would set the levels on the noise limiter. Mr Davies replied that this would be done by Environmental Services who were in discussions with the applicant.

Councillor V E Guglielmi stated that the figure of 2,000 attendees at the premises was very alarming. Mr Davies stated that he did not know where that figure had come from and, in any case, the premises could not accommodate such a number on such a small site. He speculated whether the figure was a reference to the recent Easter Festival when there could have been such a number of people spread across the whole of the Eastcliff Playing Fields site.

Councillor S A Honeywood, on behalf of herself and Councillors Broderick, King and Winfield addressed the Sub-Committee and:-

- (1) stated that this was the wrong location for a venue selling alcohol and playing music;
- (2) stated that the noise of people leaving the venue late at night would be unacceptable to local residents;
- (3) stated that if the licence was granted the Football Club would become more akin to a night club; and
- (4) stated that if the application was to be granted then the hours should be reduced further and that the premises should be sound proofed and have an air conditioning system installed in order that all doors and windows could then be kept closed.

Mr Buckle then addressed the Sub-Committee and:-

- (1) stated that if the licence was to be granted then the premises could sell alcohol for up to 13 hours a day and more than half the hours in a week and would resemble a night club;
- (2) stated that this would be against the ethos of the new housing development on Gainsford Gardens which was primarily for the retired;
- (3) stated that this would cause parking problems and noise from late night traffic;
- (4) raised concern about the effect on users of the local children's play area and residents from noise and bad language caused by excessive drinking; and
- (5) stated that this would lead to anti-social behaviour and the subsequent involvement of Essex Police.

Oaky Ibrahim, an objector, then addressed the Sub-Committee and:-

- (1) stated that there was lots of noise and disturbance caused by the current use of the premises for football matches etc;
- (2) reiterated that most of the local residents were retired;
- (3) stated that he feared that this licence would lead to an escalation of current noise nuisance; and
- (4) stated that this location was meant to be a recreation ground and a football club and not a venue for alcohol.

Mr S Hewer, an objector, then addressed the Sub-Committee and:-

- (1) stated that the football club was a good community asset but that he was concerned that there would be frequent noise disturbance from outside music as the sound would travel across the recreation ground. He could already hear everything that happened during the football matches now;
- (2) stated that he wanted the outside speakers and live music to be not permitted;
- (3) stated that he did not want the amenity use of his garden to be disturbed;
- (4) stated that he did not believe that the use of the premises and noise levels would be monitored; and
- (5) stated that he feared that the premises would become a night club.

Mr Rose, then addressed the Sub-Committee and:-

- (1) stated that whilst he supported the football club he was objecting to any outside music events in this residential area where the nearest houses were very close to the premises;
- (2) stated that he did not believe the close boarded fence would prevent noise disturbance as outside events at The Roaring Donkey Public House and even from Clacton Pier could be clearly heard when carried on the wind and so local residents would definitely be affected by outside music at this premises;
- (3) stated that he was concerned to hear that there would be a 500 seater stand erected by the Football Club; and
- (4) pointed out that many of those people supporting the application did not live in the vicinity of the premises.

Mr Davies asked Mr Rose where he had got the information about the 500 seater stand; had he seen that first hand; was he aware that the plan was for two 50 seater stands and that in any case that would be a planning matter and not for the Sub-Committee to consider as part of its deliberations.

Mr Rose replied that he had not seen the information himself but had been told by others that it was on the Football Club's website. He also said that he was thinking ahead to the problems that would be caused by an increase in visitors.

Mr Davies then asked Mr Rose if he had experienced any nuisance that he had formally recorded with the Council.

Mr Rose replied that he had not but that was the past and he was now talking about this application.

Mr Davies asked Mr Buckle in what way did he think that this premises would be conducive to become a night club and that he was in fact indulging in speculation.

Mr Buckle replied that he was not familiar with night clubs but that he believed that the playing of music, such as rock music, until midnight would resemble a night club.

Mr Davies asked Mr Ibrahim to confirm that he had heard swearing and raised voices from the football pitch but not from the premises itself.

Mr Ibrahim confirmed this but stated that the granting of this application would escalate noise disturbance as more people would equal more noise would equal more noise nuisance. He further stated that there was no need for a bar at the premises to attract more outside users. If the Club needed extra funds then this should come from the existing users/members of the Club themselves.

Mr Davies put it to Mr Ibrahim that many parents of the children playing in the Football Club's youth teams would not have the disposable income to subsidise the Club and that many other Football Clubs found alternative ways of raising funds. Did Mr Ibrahim want a blanket ban on the sale of alcohol at the premises?

Mr Ibrahim replied that the Club was deliberately looking for outsiders to use the premises – that he lived there, that he was being disturbed and that he was a victim of this application.

Councillor Guglielmi asked the objectors if it was the provision of outside music that they were principally objecting to which the collective answer was 'Yes'.

Councillor Henderson asked the Licensing Manager if a large scale event was held at the premises – would that need permission?

The Licensing Manager replied that Yes, the premises would need to apply for and be granted, a Temporary Event Notice which would be consulted on with the Responsible Authorities such as Essex Police.

Councillor Guglielmi asked the objectors if they were aware that a football club and recreation ground was in the vicinity when they moved in to their respective properties to which the collective answer was 'Yes'.

Councillor S A Honeywood made a closing statement in which she reiterated that no outside music should be allowed at this premises; that the premises should be sound proofed and that no doors or windows should be permitted to be opened when the premises was being used for a licensable activity.

Mr Davies then made a closing statement in which he pointed out that a football club in some shape or other had existed at this location for thirty years with no formal complaints having been made to the authorities. The applicants in making this application had made efforts to reduce any nuisance caused, for example, by enlarging the car park in order to reduce the parking on nearby residential streets. The applicants were consulting with Environmental Services with regard to the noise limiter and pointed out that, as a Responsible Authority, Environmental Services could take action in the future if there were to be any noise problems. He stated again that the applicant had responded positively to the concerns of objectors and that they would be willing to hold open days at the premises to hear and to respond to any concerns local residents may have. He pointed out again that if the applicant wanted to hold any major event at the premises then they would need to have the benefit of a Temporary Event Notice.

Councillor Cossens asked the Licensing Manager that if the licence was to be granted and there was a future problem at the premises what would be the statutory process.

The Licensing Manager replied that if there was an alleged breach of the licence conditions then an investigation would be undertaken by the Licensing Section, which could also involve Environmental Services and Essex Police if necessary; that evidence would be gathered from all interested parties and that if required the licence would be brought before the Sub-Committee for a formal review or if, more appropriate, a prosecution in the Magistrates Court would be undertaken.

The Sub-Committee, the Council's Solicitor and the Committee Services Manager then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Committee Services Manager then returned to the meeting.

The Chairman of the Sub-Committee informed all parties present that, due to the amount of evidence that they needed to consider and the various considerations that



needed to be taken into account, the Sub-Committee was not able to reach a decision at this time.

The Chairman stated that therefore the Sub-Committee would make its determination within the period of five working days beginning with the day on which this hearing had been held in accordance with Regulation 26(2) of The Licensing Act 2003 (Hearings) Regulations 2005. All interested parties would then be informed of the decision in writing.

The Chairman then formally closed the meeting.

The meeting was declared closed at 4.10 pm

**Chairman**

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON MONDAY, 4TH JUNE, 2018 AT 1.20 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors White (Chairman), JHenderson, Watson and VGuglielmi
<b>Also Present:</b>	David Dadds, Solicitor and Barrister, Mr Samiul Alam (New Premises Licence Holder) and Alan Beckett, Essex Police Licensing Officer.
<b>In Attendance:</b>	Linda Trembath, (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Michael Cook (Licensing Assistant) and Debbie Bunce (Legal and Governance Administration Officer).

**6. CHAIRMAN FOR THE MEETING**

It was moved by Councillor Henderson, seconded by Councillor Watson and:-

**RESOLVED** - that Councillor White be elected Chairman for the meeting.

**7. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**8. DECLARATIONS OF INTEREST**

Councillor V Guglielmi declared a personal interest in the application in that she had opened the restaurant and had eaten there and also that her husband had recently received an invitation to dine there. She therefore acted as the Stand-by Member at the meeting.

**9. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BENGAL DINER, FOX STREET, ARDLEIGH**

The Chairman (Councillor White) welcomed everyone to the meeting and gave an overview of the procedure that would be followed for the hearing.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the Report of the Corporate Director (Operational Services) (A.1) and advised that the Sub-Committee had before it, for its consideration, an application for the Review of the Premises Licence held by Mr Syful Alam for the Bengal Diner, Fox Street, Ardleigh, pursuant to Section 51 of the Licensing Act 2003.

Members were informed by the Licensing Manager as part of her summary that the application for the review of the Premises Licence for the above had been submitted by Essex Police following investigations by Officers of the East of England Immigration

Enforcement Team at the Premises on 8 March 2018 and that this had been received by the Licensing Authority on 13 April 2018. The application for the Review had been submitted on the grounds that the Licensing Objective in respect of the Prevention of Crime and Disorder had been breached because the Premises Licence Holder and Designated Premises Supervisor Mr Syful Alam (Mr Alam snr) had been found to be employing persons who had no right to work or stay in the United Kingdom.

It was reported that the review application and its accompanying supporting documents had advised and contained the following:

- Warrant to Enter and Search Premises dated 8 March 2018.
- Witness Statement and PNB Notes of Chief Immigration Officer Jack Davis dated 23 March 2018.
- Witness Statement and PNB Notes of Immigration Officer John Donaldson dated 9 March 2018.
- Home Office Records of Sibtain Zafar.
- Home Office Records of Nazrul Islam.
- Statement of Police Licensing Officer Alan Beckett dated 5 April 2018.
- Statement of Special Sergeant Catherine Dorrington dated 11 April 2018.

A copy of the Premises Licence Review application and all of the documents referred to in the bullet points above were attached to the report in full as Appendix B to item A.1 of the Report of the Corporate Director (Operational Services).

It was also reported that notice of the review application had been made and advertised in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompanied it. In particular, a notice detailing the review application had been clearly displayed on the premises concerned and on Tendring District Council's Website for the prescribed 28 day period. Periodic checks had been undertaken by the Licensing Authority to ensure that this was the case. The end of the notice period had been 13 May 2018.

The Sub-Committee was formally advised that the Licensing Authority had accepted the review application and had been satisfied that it had been properly served. The Council's Head of Customer and Commercial Services was satisfied that the application and the representations that it made were relevant to the licensing objectives and were not vexatious, repetitious or frivolous in nature.

It was confirmed that no representations had been received from any other Responsible Authorities or other persons who could also make statutory representations in regards to review applications.

Members were informed that any such representations should be relevant and not be considered by the Licensing Authority as vexatious, repetitious or frivolous and could be made in opposition to, or support of, an application and could be made by any individual, body or business that had grounds to do so. The Statutory Guidance was silent on whether representations could be made against an application for a review, or in support of the respondent to the review (which in this case was the Premises Licence Holder (Mr Syful Alam)). However, given that the Guidance was silent on this question, but clearly indicated that other persons could make representations in regards to a review and that representations could be made in support of applications, it was

therefore reasonable to assume that representations could also be made in support of the Premises Licence Holder for due consideration by the Licensing Sub-Committee as part of the Review application hearing process.

The Sub-Committee was informed that Sections 11.1 to 11.28 of the Guidance [issued by the Secretary of State under Section 182 of the Licensing Act 2003] assisted all parties in respect to advice on review applications and hearings, including those arising in connection with crime and the relevant extracts of that Guidance were attached as Appendix C to the Officers' report.

The Sub-Committee also had before it the relevant sections/extracts of the Council's Statement of Licensing Policy in respect of Review applications.

The Chairman asked if anyone had any questions that they would like to ask the Licensing Manager following her summary. There were no questions asked.

The Chairman then asked Mr Dadds, Solicitor for Mr Samiul Alam (Mr Alam Jnr) if he would like to address the Committee and ask questions and he said that he had two points to make, in that the test here in respect of the review is not about "reasonableness", it has to be appropriate and proportionate. He also stated that as a point of law, Mr Alam Jnr had applied to transfer the Licence to himself on 1 June 2018 and that transfer takes effect immediately. Therefore, Mr Alam Snr was not now the Premises Licence Holder or Designated Premises Supervisor, unless Essex Police raised any objections to the transfer and they had 14 days in which to do so.

The Chairman said that although that was now the case, the Committee were here to discuss issues that happened when Mr Alam Snr was the Premises Licence Holder.

Mr Alan Beckett, Essex Police Licensing Officer then addressed the Committee and gave a summary of the Police case. Officers from the Immigration Service visited the Bengal Diner on 8 March 2018 seeking three persons who had no leave to remain in the UK. They did not find these persons but found two other persons working there, a Mr Sibtain Zafar who said he was working as a waiter and a Mr Nazrul Islam who said he was working as a cook at the Bengal Diner. Mr Zafar stated that he was paid £260 per week and Mr Islam stated that he was paid £250 per week. Both stated that they were paid cash in hand and considered Mr Alam Snr to be their boss. They also stated that they had not shown any identify documents as proof of the right to work in the UK.

On 14 April 2018 Mr Beckett attended at the Bengal Diner to undertake right to work checks. Mr Alam Snr could not produce any right to work records and stated that all documents were with his Accountant. Revenues and Customs also attended the Diner in May in respect of PAYE and national insurance matters.

Essex Police were seeking a revocation of the Licence of the Premises.

The current Premises Licence Holder, Mr Alam Jnr was asked if he had any questions but he did not.

The Chairman, Councillor White queried the fact that the Immigration Officers were originally seeking three persons and did not find them, but found 2 other illegal

immigrants and said that he presumed that further action could be taken against the Premises Licence Holder and that this would go before the Magistrates' Courts.

Mr Dadds said that the Immigration Office has the power to issue civil penalties, but that he was not aware whether a civil penalty is going to be issued in this matter.

Mr Dadds then referred to a case mentioned in the Police evidence which was a case against another Local Authority for a similar offence. Mr Dadds stated that he had in fact worked on this case and it was completely different from the circumstances before the Committee. In the case of the Bengal Diner there was no exploitation of the staff in respect of the minimum wage and reasonable checks had been undertaken in respect of right to work checks. Civil Penalties are in fact imposed more and more, as a deterrent effect. The previous Premises Licence Holder was probably just unaware of exactly what checks he needed to make. Warrants are generally issued to the Immigration Office after people are put on PAYE, instead of informing the employer that they are employing persons without the legal right to work in the UK. Mr Alam Snr has now stepped aside as he realises that he had put the business and premises at risk and his son Mr Alam Jnr has now taken over as the Premises Licence Holder and Designated Premises Supervisor.

Mr Alam Jnr has now suggested 6 conditions to be put on the Licence and these were circulated to the Committee.

Although the Police are asking for the Licence to be revoked, Mr Dadds is suggesting that perhaps a period of suspension of 8 weeks would be more appropriate. He stated that Mr Alam Jnr is not responsible for the actions of his father and going forward Mr Alam Jnr would promote the Licensing Objectives. He stated that Mr Alam Snr already has a civil penalty against him of somewhere in the region of £30-40,000. The Licensing Act was not about punishment. The question is whether it is disproportionate to revoke the Licence or suspend for up to 3 months, or the Sub-Committee could consider a period of suspension of not more than eight weeks.

Mr Beckett responded and said that the Police acknowledged that their staff were paid a reasonable wage, notwithstanding no tax or National Insurance was paid and would normally ask for a revocation. However, Mr Dadds' proposal of an 8 week suspension together with the 6 conditions seems reasonable albeit that point 6 of the conditions should be amended to include right to work checks being made available upon reasonable request.

Councillor Watson then asked Mr Alam Jnr what steps he had taken to understand the conditions and the law and he stated all of the Licensing Objectives and that he has undertaken training and had legal guidance on the conditions.

Mr Dadds then stated that he had a letter from the Bengal Diner's accountants, Amani Messton & Co and provided a copy of the letter to the Committee which stated that Mr Alam Jnr was now one of the Directors of the Company, Nest Best Ltd, which commenced trading on 22 March 2018. The Bengal Diner was previously run by Well Smart Ltd. There were 8 employees working for the Company according to employer payroll records.

The Chairman also queried with Mr Dadds about the question of “bed space” where employees were living at the Premises and Mr Dadds stated that the employees had their own rooms above the premises.

Councillor Henderson then asked Mr Dadds about an issue with advertising on the Bengal Diner’s website which advertised events for £44.95 per person with “drink as much as you can” on the advertisement. She stated that this was in conflict with the Licensing Objective the Prevention of Crime and Disorder. Mr Dadds stated that if a person was intoxicated then they would not be served any more alcohol but agreed that the wording was not appropriate and confirmed that this would be looked at and changed. If the Committee were minded to revoke the Licence for a period of 8 weeks then this would be an opportunity to address these issues.

The Sub-Committee then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision. They asked the Council’s Solicitor and the Legal and Governance Administration Officer to retire with them.

The Sub-Committee, Council’s Solicitor and Legal and Governance Administration Officer then returned to the meeting and the Council’s Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision

The Chairman of the Sub-Committee then read out the following decision:

The Sub-Committee has given careful consideration to this application for a review and to the actual representations received from Essex Police on the grounds that the Licensing Objective in respect of the Prevention of Crime and Disorder had been breached for the reasons set out in their representations. In making their decision, the Sub-Committee have taken into account:-

- (i) relevant matters set out in the Licensing Authority’s own Statement of Licensing Policy;
- (ii) the relevant parts of the Guidance issued by the Secretary of State;
- (iii) the range of powers provided to Licensing Authorities by the Licensing Act 2003 in determining a Review;
- (iv) Any legal advice given by the Council’s Solicitor.

The Sub-Committee are also aware that it must act to promote the Licensing Objectives as set out in the Licensing Act 2003 and that any decision it took in determining a Review must be necessary for the promotion of these objectives.

The decision of the Sub-Committee is as follows:-

“In respect of the application for the review of a Premises Licence submitted by Essex Police in respect of the Premises known as The Bengal Diner, Fox Street, Ardleigh, the Sub-Committee’s decision is to suspend the Licence for a period of eight weeks, a period suggested by Mr Dadds on behalf of the new Premises Licence Holder and Designated Premises Supervisor, Mr Samiul Alam.

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The Licensing Objective for the prevention of Crime and Disorder has been breached by virtue of the employment of persons who had no right to work in the UK for various reasons: a matter that is being dealt with by the Immigration Service.

In order to ensure that the concerns raised by Essex Police are addressed in the future, six conditions, offered by Mr Dadds on behalf of Mr Alam Jnr, and approved by Essex Police subject to one addition at condition 6 in relation to the right to work checks, will be attached to the Premises Licence:-

1. Alcohol shall not be sold or supplied by any person who is not employed to work at the premises and only following the authority of the holder of a personal licence holder to do so in writing.
2. Before any person is employed at the premises sufficient checks will be made of their bona fides in accordance with the current Home Office "An employer's guide to right to work checks" to ensure that they are legally entitled to be employed in the UK. Such checks will include:
  - Proof of their identity
  - Nationality
  - Current immigration status
  - Details of their name and address
  - Date of Birth
3. Employment records will be made available following any reasonable request to the premises licence holder by any officer authorised under the Licensing Act 2003 including police staff acting on behalf of the Chief Officer of Police.
4. The premises licence holder shall operate a "Challenge 25" or similar scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo card driving licence, a PASS accredited proof of age card or UK forces identity card.
5. The premises licence holder shall ensure reasonable and adequate staff training be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc), prior to being allowed to sell or supply alcohol.
6. Training records and right to work checks and any associated documentation will be made available following reasonable request by any officer authorised under the Licensing Act 2003 including police staff acting on behalf of the Chief Officer of Police.

A copy of those conditions will be attached to this decision.

Details of the Sub-Committee's decision will be notified to all interested parties in writing.



Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court."

The meeting was declared closed at 3.11 pm

**Chairman**

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON MONDAY, 4TH JUNE, 2018 AT 10.08 AM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors V Guglielmi (Chairman), Cossens (Vice-Chair), B Brown, Callender, J Henderson, Watson and Winfield
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Michael Cook (Licensing Assistant)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Whitmore (with no substitute).

**2. MINUTES OF THE FINAL MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE**

The minutes of the final meeting of the Licensing (General Purposes) Sub-Committee, held on 23 February 2018, were approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENSES**

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage and Private Hire drivers, vehicles and operators, licensed by the Council as at 23 May 2018, which was submitted for information only.

**5. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - APPLICATION FOR THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILMS**

The Sub-Committee had before it a report (A.2), which advised it of an application for the grant of permission to show unclassified films at the Harwich Electric Theatre as part of the Harwich Festival 2018.

The Licensing Manager informed Members that the applicant, Mr Offord, who was the General Manager of the Harwich Festival, which would run from 21 June until 1 July 2018, had requested permission on behalf of the Harwich Festival to show a number of short independently made films at the Harwich Electric Palace Theatre as part of the festival entertainments programme but which had not been classified by the British

Board of Film Classification (BBFC). The project to show the films run under the title of 'Harwich Shorts'.

It was reported that the Harwich Festival was a combined Arts Festival which embraced, music, film, dance, literature, poetry and visual and performing arts. The "Harwich Shorts" project was to be an open screening of independent films made and produced from within the local community.

The Licensing Manager reminded Members that ordinarily films for cinema or other general or limited release/showing were classified by the BBFC. The BBFC would classify a film into a suitable age category for viewing which would depend on the content of the film.

Members were informed that Local Authorities did have the discretion to amend a classification made by the BBFC or grant a classification to an unclassified film if requested to do so. It was rare that this happened and the vast majority of films were classified by the BBFC. Occasionally there were times when presenters or producers of films to be shown at an arts festival for example, or for a very limited release/showing would apply to the relevant Local Authority to classify the film, rather than the BBFC. Local Authorities could classify a film by virtue of Section 20 of the Licensing Act 2003, or in accordance with Home Office Circular 98/1982.

It was reported that the films Mr Offord wanted to show were a selection of short films from various independent filmmakers and artists. A list of the short films had been submitted by Mr Offord and was attached as Appendix B to the report.

It was further reported that Mr Offord had not requested the films to be classified by the British Board of Film Classification (BBFC) as the cost would have made the project impossible. To classify films for theatrical showing with the BBFC would have cost, it was estimated, more than £1,000.

Members were informed that as the compilation of films which Mr Offord wished to screen did not have the benefit of a certificate, the consent of the Council was required before the films could be shown as stated in the Cinemas Act 1985 (Section 1(2)).

Members were further informed that should they be minded to grant consent for the films, then they should suggest a suitable classification. To assist Members, the BBFC Guidelines were attached as Appendix C to the report.

It had been recommended that the Sub-Committee should first view the films prior to the meeting in order to establish whether there were any valid reasons not to permit any of them to be shown and to assist them should they wish to impose any terms and conditions if permission was granted to show the films. To assist Members, Licensing Officers had viewed the films and had made a recommendation on the classification for each film which the Sub-Committee could take into account in making its decision(s). The classifications were in accordance with the relevant BBFC Film Classification Guidelines and were set out in Appendix D for Members' guidance.

The Chairman then asked the applicants how were people segregated when watching different classification films and the applicants explained that as per last year, each set of films were put together according to the classification so all of the films shown each time were of the same classification. This had worked well last year.

Following discussion, it was moved by Councillor Cossens, seconded by Councillor Callender and:-

**RESOLVED** that the application be approved and that the films be classified, in accordance with the Officers' recommendations, as set out in Appendix D to item A.2 of the Report of the Corporate Director (Operational Services).

Mr Offord thanked the Committee on behalf of the Harwich Festival and said that being able to show these films helped with future Arts Council funding bids.

6. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE - THE ADULT CENTRE, 28 ORWELL ROAD, CLACTON-ON-SEA**

The Sub-Committee considered an application (A.3) from Miss Amanda Allen for the renewal of the Sex Establishment Licence held in respect of the above premises.

Miss Allen was not present for this item.

The Council's Licensing Manager informed Members that the Applicant proposed that trading would take place between 10.00am and 8.00pm on Mondays to Saturdays and 10.00am – 4.00 pm on Sundays and she also advised that the premises complied with the current conditions imposed, as set out in Appendix 'A' to item A.3 of the Report of the Corporate Director (Operational Services).

Members were informed that there had been no objections received from Essex Police and the local Ward Councillors. Residents in the neighbourhood considered likely to be affected by the application had been consulted and no objections had been received by the date of the meeting.

The Licensing Manager confirmed that notice of the application had been displayed on the premises in the prescribed manner and a public notice to that effect had been published in the local newspaper, as required by statute.

The Sub-Committee had before it, as set out in Appendix 'B' to the report, those grounds which were material to the determination of such an application, as set out in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

It was moved by Councillor Cossens, seconded by Councillor Watson and:-

**RESOLVED** - that the application for the renewal of a Sex Establishment Licence be granted, for one year, subject to the conditions as set out in Appendix 'A' to item A.3 of the Report of the Corporate Director (Operational Services).

7. **EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Guglielmi, seconded by Councillor Cossens and:

**RESOLVED** that the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt

information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act:-

Exempt Minutes of the Final Meeting of the Licensing (General Purposes) Sub-Committee held on 23 February 2018.

8. **EXEMPT MINUTES OF THE FINAL MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE**

The Exempt Minutes of the final meeting of the Licensing (General Purposes) Sub-Committee, held on 23 February 2018, were approved as a correct record and signed by the Chairman.

The meeting was declared closed at 10.30 am

**Chairman**

## LICENSING AND REGISTRATION COMMITTEE

18 JULY 2018

### REPORT OF THE CORPORATE DIRECTOR [OPERATIONAL SERVICES]

#### A.1 LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS

[Report prepared by Emma King]

(i) **Premises Licences/Club Premises Certificates**

Set out in Appendix A to this report are details of licences that have been approved under Delegated Powers during the period 13 March 2018 to 11 June 2018.

(ii) **Personal Licences**

A total of 2047 Personal Licences have been approved under Delegated Powers since 7 February 2005, the 'First Appointed Day'.

(iii) **Gambling Licences/Permits**

Below is a table showing the number of gambling licences and permits that are licensed with this Authority.

Type of Licence	Number of Licences as at (11 June 2018)
Adult Gaming Centres	25
Betting Premises	17
Bingo Premises	9
Family Entertainment Centres	5
Unlicensed Family Entertainment Centres	31
Prize Gaming Permits	2
Club Gaming & Club Machine Permits	26
Licensed Premises Gaming Machine Permits	17
Licensed Premises Machine Notifications	127
Small Society Lottery Permits	110

(iv) **Hackney Carriage/Private Hire Licence**

Below is a table showing the number of drivers, vehicles and operators that are licensed with this Authority.

Type of Licence	Number of Licences as at (11 June 2018)
Hackney Carriage Driver	319
Private Hire Driver	11
Hackney Carriage Vehicle	256
Private Hire Vehicle	29
Private Hire Operator	26

**RECOMMENDED:** That Members note the contents of this report.

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Uniform Ref No	Organisation	Address	Grant/Conversion/Conversion and Variation	Date Delegation Exercised
18/00260/PREMGR	Royal Hotel Clacton	Royal Hotel 1 Marine Parade East Clacton On Sea Essex CO15 1PU	Grant	06/06/2018
18/00328/PREMTR	Three Jays	The Three Jays 1 Marlowe Road Jaywick Clacton-on-Sea Essex CO15 2PJ	Transfer	22/05/2018
18/00254/PREMGR	Beach House	131 High Street Walton On The Naze Essex CO14 8AT	Grant	16/05/2018
18/00292/PREMTR	Honeycroft Post Office	Honeycroft Post Office 8 - 10 Waldegrave Way Lawford Manningtree Essex CO11 2DX	Transfer	08/05/2018
18/00292/PREMTR	Honeycroft Post Office	Honeycroft Post Office 8 - 10 Waldegrave Way Lawford Manningtree Essex CO11 2DX	Transfer	08/05/2018
18/00291/PREMTR	Convenience Store Clacton	1 - 5 Golf Green Road Jaywick Clacton-on-Sea Essex CO15 2RG	Transfer	08/05/2018
18/00290/PREMTR	Martello Beach Holiday Park	Tower Caravan Park Ltd Belsize Avenue Jaywick Clacton-on-Sea Essex CO15 2LF	Transfer	08/05/2018
18/00153/PREMVA	Co-Op Foodstore	465 Main Road Harwich Essex CO12 4HT	Variation	08/05/2018

18/00146/PREMVA	Bentley's Of Clacton (Previously Ocean Club Hotel)	5 Marine Parade East Clacton-on-Sea Essex CO15 1PT	Variation	08/05/2018
18/00249/PREMTR	The Strangers Home	Strangers Home The Street Bradfield Manningtree Essex CO11 2US	Transfer	16/04/2018
18/00231/PREMTR	Wick Lodge	145 Jaywick Lane Clacton-on-Sea Essex CO16 8BG	Transfer	12/04/2018
18/00231/PREMTR	Wick Lodge	145 Jaywick Lane Clacton-on-Sea Essex CO16 8BG	Transfer	12/04/2018
18/00218/PREMTR	Black Boy	The Black Boy P H Thorpe Road Weeley Clacton-on-Sea Essex CO16 9JJ	Transfer	09/04/2018
18/00219/PREMTR	The Railway Tavern	The Railway Tavern 58 Station Road Brightlingsea Colchester Essex CO7 0DT	Transfer	09/04/2018
18/00219/PREMTR	The Railway Tavern	The Railway Tavern 58 Station Road Brightlingsea Colchester Essex CO7 0DT	Transfer	09/04/2018
18/00217/PREMTR	Robert Burre	Robert Burre Public House 183 Burrs Road Clacton-on-Sea Essex CO15 4LN	Transfer	09/04/2018

18/00224/PREMTR	The Brewers Arms PH	1 Victoria Place Brightlingsea Colchester Essex CO7 0BX	Transfer	09/04/2018
18/00224/PREMTR	The Brewers Arms PH	1 Victoria Place Brightlingsea Colchester Essex CO7 0BX	Transfer	09/04/2018
18/00220/PREMTR	Prezzo	4 Marine Parade West Clacton-On-Sea Essex CO15 1QZ	Transfer	09/04/2018
18/00221/PREMTR	The Crown	The Crown High Street Thorpe-le-Soken Clacton-on-Sea Essex CO16 0DY	Transfer	09/04/2018
18/00222/PREMTR	Ninos Restaurant	7 Old Road Frinton-on-Sea Essex CO13 9DA	Transfer	09/04/2018
18/00094/PREMGR	Hoop Hairdressers	56 North Road Clacton On Sea Essex CO15 4DE	Grant	09/04/2018
18/00223/PREMTR	Dot's Of Jaywick	8 Broadway Jaywick Clacton On Sea Essex CO15 2EB	Transfer	09/04/2018
18/00067/PREMVA	Swan House	14 Kings Head Street Harwich Essex CO12 3EE	Variation	09/04/2018

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## LICENSING AND REGISTRATION COMMITTEE

18 JULY 2018

### REPORT OF THE CORPORATE DIRECTOR [OPERATIONAL SERVICES]

#### A.2 Hackney Carriage Fares

[Report prepared by Emma King]

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To consider the increase in the scale of fares, and a change in distance for which the fare is calculated that is currently operative within the District. The proposed changes agreed by Members on 11 April 2018, and put to public consultations are attached as Appendix A to the report.

##### EXECUTIVE SUMMARY

At your meeting held on 11 April 2018, minute 41 refers, Members considered a request from the Tendring District Taxis Association (TDTA) to grant an increase to the table of fares.

After due consideration of the request the Committee decided to pass the following resolutions:-

- a) The Committee is minded to grant the Tendring District Taxi Association's request for an increase in the Hackney Carriage Fare Scale, subject to two amendments to the comparison fare table whereby:
  - (i) Each subsequent 196 yards or part thereof be amended to read "Each subsequent 200 yards or part thereof"; and
  - (ii) Waiting time of 54 seconds be amended to read "Waiting time of 1 minute".
- b) Public Notice to be given of the intention of the Council to increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the request made by the Tendring District Taxi Association (as amended by the meeting);
- c) That any representations received in response to the said public notice be considered at the next meeting of the Committee; and
- d) That if no representations are received to the said public notice, or if all representations that are received are in favour of the fare increase, the Licensing Manager in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee be authorised to implement the new Hackney Carriage Fare Scale within the District with effect from 28 days following the end of the public consultation period.

1 representation has been received as a result of the public notice having been placed in the local press. The letter is attached as Appendix B to the report.

##### RECOMMENDATION

- a) That consideration be given to the Tendring District Taxi Association's request for an increase in the Hackney Carriage Fare Scale be reconsidered in the light of the objection received.
- b) That subject to (a) above the new fare scale, with or without modification, be brought into operation with effect 28 days following the decision of this Committee.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The proposed increase to the table of fares supports a key element of this Council's Corporate Plan and the Sustainable Community Strategy for Tendring:

- Building a thriving local tourism industry, for Tendring.

### FINANCE, OTHER RESOURCES AND RISK

#### Finance and other resources

If Members are minded to reconsider their previous decision in this matter and to approve the proposed amendments to the fare scale either in a modified form or as provisionally agreed at your meeting of 11 April 2018, it has been your policy in the past to publish a further advertisement in the local press to advise the public of the commencement date of the new fare tariff. This cost can be met from within the Hackney Carriage revenue budget for 2018/2019.

#### Risk

If the proposed increase were not granted it could lead to fewer taxis being available to transport both the local population and visitors to the District.

### LEGAL

The action proposed is within the Council's discretionary powers. Should Members reconsider their decision in this matter there is no legal requirement to advertise the agreed fare scale again, but it is considered good practice to do so.

### OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

#### CRIME AND DISORDER

There are no Crime and Disorder implications

#### EQUALITY AND DIVERSITY

There are no Equality and Diversity implications.

#### CONSULTATION AND PUBLIC ENGAGEMENT

The proposed fare increase was advertised in the local press for the prescribed 14 days.

#### AREAS/AWARDS AFFECTED

All wards

### CONCLUSION

Your officers feel that, owing to the increases in fuel, vehicle maintenance and insurance, and that there has been no request for an increase to the fare tariff since

2012 that there is merit in Members giving consideration to this request.

**BACKGROUND PAPERS FOR THE DECISION**

None

**APPENDIX**

Appendix A – Proposed changes agreed at previous meeting of 11 April 2018  
Appendix B – Objection Letter from Mrs York

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**TENDRING DISTRICT COUNCIL**  
**HACKNEY CARRIAGE FARES**

**TAKE NOTICE** that Tendring District Council propose to increase the maximum rate of fares in respect of Licensed Hackney Carriages plying for hire within the District of Tendring with effect from 30 May 2018 provided that no objections are received or that those objections have been withdrawn. Objections must be received by 02 May 2018. The new maximum rate of fares will be as advertised on 19 Apr 2018 with the following increases:-

**1. MILEAGE**

- |   |       |
|---|-------|
| (a) If the distance does not 200 yards for the whole distance | £3.00 |
| (b) If the distance exceeds 200 yards for the first 200 yards | £3.20 |
| (c) For each subsequent 200 yards or uncompleted part thereof | £0.20 |
| In addition to (b) above                                      |       |

**2. WAITING TIME**

- |  |       |
|--|-------|
| For each period of 60 second or uncompleted part thereof | £0.20 |
|--|-------|

See the comparison fare table showing the effect of the tariff changes:

Distance	Current Tariff £	New Tariff £	Cost £
<b>1 mile</b>	<b>4.40</b>	<b>4.60</b>	<b>↑4.54%</b>
<b>2 miles</b>	<b>5.95</b>	<b>6.40</b>	<b>↑4.54%</b>
<b>3 miles</b>	<b>7.70</b>	<b>8.20</b>	<b>↑6.49%</b>
<b>Each subsequent 200 yards or part thereof</b>	<b>0.19</b>	<b>0.20</b>	<b>↑5.15%</b>
<b>Waiting Time [60 Seconds]</b>	<b>0.18</b>	<b>0.20</b>	<b>↑10.00%</b>

A full table of the new fares will be on display on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk) or at the Council Offices, 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1TN.

Any person wishing to object to the proposed rate of fares should submit details of their objection to the Corporate Director [Operational Services] at the address below to arrive not later than 2 May 2018

Dated 19 April 2018

Council Offices  
88-90 Pier Avenue  
Clacton on Sea  
Essex CO15 1TN

PAUL PRICE  
CORPORATE DIRECTOR  
[OPERATIONAL SERVICES]

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02 MAY 2018

41 Hempstead Ave.  
CO16 7HE

1/5/18.

To Whom it may concern.

I am one of Tendring's taxi drivers and this is to let you know that I am not in favour of price rises.

Tendring cannot be compared to Colchester at all. Tendring is not an affluent area and there is a lot of OAP's and disabled people that would not be able to afford a price rise. This would result in less use of taxis.

Margaret York

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## LICENSING AND REGISTRATION COMMITTEE

18 JULY 2018

### REPORT OF THE CORPORATE DIRECTOR [OPERATIONAL SERVICES]

#### A.3 Review of the Council's Draft Statement of Gambling Policy for Public Consultation

[Report prepared by Emma King]

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To request that the Committee review and agree the draft revision of the Council's Statement of Gambling Policy which will run for three years from the 31 January 2019 following public consultation and adoption by the Full Council.

##### **EXECUTIVE SUMMARY**

The Council is required to review and renew its Statement of Gambling Policy every three years in accordance with the Gambling Act 2005. The review and renewal of the policy is subject to public consultation and must be adopted by Full Council on recommendation from the Licensing and Registration Committee.

##### **RECOMMENDATION(S)**

It is recommended that Members agree:

- a) The draft revisions made to the Council's Statement of Gambling Policy;
- b) The programme and timetable for public consultation, review, approval, publication and implementation of the revised Gambling Policy as shown in the body of this report;
- c) That any future amendments to the revised adopted and published policy that are administrative only in nature can be made by officers in consultation with the Chair and/or the Vice Chair of the Licensing and Registration Committee without the need to publicly consult again or readopt the policy by the Committee and Full Council.

#### PART 2 – IMPLICATIONS OF THE DECISION

##### **DELIVERING PRIORITIES**

###### **Our Prosperity**

- Build a thriving local tourism industry
- Promote sustainable economic growth

###### **Our People**

- Remain a low crime area and reduce the fear of crime

###### **Our Place**

- Regenerate the District and improve deprived areas

The Betting and Gaming industry in our District provides significant direct and indirect employment, skills and training for local people and particularly in our family friendly and family orientated seaside resort areas of Clacton, Dovercourt and Walton on the Naze, it also provides welcome leisure attractions for visitors to our District.

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

The cost of administration in terms of production, consultation and publication of the Council's Statement of Gambling Policy is met within current service budget and gambling licence and permit fee income.

### **Risk**

The Council's reviewed and revised Gambling Policy must be adopted, published and in place by the 31 January 2019. Failure to comply or meet with this deadline would mean that the Council could not lawfully accept or process Gambling Act 2005 applications after that date which would have a significant negative impact on the Council being able to recover its reasonable costs in relation to operating its licensing service for this function.

Such a scenario could see the Council open to complaint and judicial challenge through the Courts, particularly from applicants who may suffer loss of income and reputation as a result of the Council being unable to process applications submitted under the Gambling Act 2005.

## **LEGAL**

The Council is required to review its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005 and to widely consult on that review with responsible authorities and other interested parties. The Council has to have its Gambling Policy agreed, published and in place by the 31 January 2019. Failure to meet this deadline would mean that the Council would be ultra vires in respect of gambling applications submitted after that date.

## **OTHER IMPLICATIONS**

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

### **CRIME AND DISORDER**

'Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime' is one of the three licensing objectives of the Gambling Act 2005. The Council's Statement of Gambling Policy has been prepared in order to pro-actively support and promote the prevention of crime and disorder in the betting and gaming industry in our District.

### **EQUALITY AND DIVERSITY**

The proposed draft policy will be subject to open public consultation with a diverse body of community and faith groups as well as individual businesses, schools and voluntary groups and the Safeguarding Children's Service. It will also be available to comment on through the Council's web site and the policy itself has been drafted to ensure that all applicants and licence and permit holders under the Gambling Act 2005 in our District will be treated equally and in a transparent and fair way.

## **AREA/WARDS AFFECTED**

All

### **CONSULTATION/PUBLIC ENGAGEMENT**

Standard practice for public consultations is to allow for a twelve week period of consultation. The consultation itself will encompass and engage a diverse range of consultees such as faith groups, local schools, Children's Safeguarding Service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that work with problem gamblers like Gamblers Anonymous to seek a wide variety of comment and views on the draft policy. The policy will also be available to view, download and comment on through the Council's web site.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

Section 349 of the Gambling Act 2005 53 prescribes that:-

- (1) A licensing authority shall before each successive period of three years—
  - (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
  - (b) publish the statement.
- (2) A licensing authority shall—
  - (a) review their statement under this section from time to time,
  - (b) if they think it necessary in the light of a review, revise the statement, and
  - (c) publish any revision before giving it effect.
- (3) In preparing a statement or revision under this section a licensing authority shall consult—
  - (a) either—
    - (i) in England and Wales, the chief officer of police for the authority's area, or
    - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
  - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
  - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-

- a) Consideration of applications for premises licences for:
  - Casinos
  - Bingo premises
  - Betting premises and Race tracks
  - Adult gaming centres
  - Family entertainment centres
- b) Consideration of applications for permits for:

- Gaming machines in alcohol-licensed premises, such as pubs
- Gaming machines for members clubs
- Gaming in members clubs
- Unlicensed family entertainments centres (category D machines only – i.e. those that have the lowest level of stakes and prizes)
- Prize gaming

- c) Temporary use notices
- d) Occasional use notices
- e) Provisional Statements
- f) Registration of small society lotteries

Each Authority is legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years.

The policy must be based on the three licensing objectives, which are;

- **Preventing gambling from being a source of crime and 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 people from being harmed or exploited by gaming.**

The Council's current Statement of Gambling Policy has been in place and in force since the 31 January 2016. This proposed draft and review of the policy will be the fifth that has taken place since the first policy was adopted in 2006.

The frame work of this policy was originally initiated and designed by the Essex Licensing Officers Forum so that applicants and existing businesses in the betting and gaming industry that have outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex. It also ensured a framework of generic best practice amongst all Essex Authorities and ensured that any necessary regulatory requirements did not unnecessarily burden businesses who have applications to make for licensed outlets across Essex such as chain of betting shops for example.

This has also enabled the development of a robust and practical policy through partnership for how the Gambling Act 2005 will be administered and compliance is managed for applicants and licence and permit holders alike.

The policy framework has then been augmented by local requirements and local strategy since 2006 to reflect the Authority's own area as influenced by public consultation and Tendring District Council's Licensing Committee Members.

## **CURRENT POSITION**

The Licensing and Registration Committee are asked to review and agree the proposed draft of the Council's Statement of Gambling Policy so that it can go out to full public consultation.

Following public consultation the draft policy will be brought back before Members of the Licensing and Registration Committee to consider any responses received and to consider if they wish to make any final amendments to the draft as a result of the consultation. The



Committee will then be asked to recommend the adoption of the policy to Full Council for publication.

The re-published policy will then set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years from the 31 January 2019 and how it will expect compliance with the policy to be met by applicants, licence and permit holders and also how compliance will be managed by the Licensing Authority.

The draft has been amended so that it is in line with current legislation and Gambling Commission guidance to Local Authorities. The changes themselves are administrative in nature and do not alter in any significant or substantial way the Council's overall policy to how it will administer applications and compliance under the Gambling Act 2005.

The timetable shown below is therefore suggested to Members

<b>Signpost</b>	<b>Outcome</b>
Licensing & Registration Committee 18 July 2018	Committee review and agree proposed draft of Gambling policy and agree it goes out to public consultation commencing 1 August 2018 and ends 24 October 2018
Licensing & Registration Committee TBC	Committee review outcome of consultation and agree final content of policy and recommend adoption of policy to Full Council.
Full Council 22 January 2019	Full Council agrees Licensing & Registration Committees recommendation to adopt revised policy
Policy to be published on Council's web site by 28 January 2019	Policy published on website
Public Notice of adoption to be published in local newspaper by 28 January 2019	Public Notice published in newspaper
Commencement of new three year policy from 31 January 2019	Policy runs from 2019 to 2022 (with any future administrative amendments as required by legislation or gambling commission guidance).

#### **BACKGROUND PAPERS FOR THE DECISION**

None

#### **APPENDICES**

**APPENDIX 1 - Draft Gambling Policy**

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# Tendring District Council



## GAMBLING LICENSING POLICY STATEMENT

Gambling Policy Document - Adopted 24 January 2019

## **FOREWORD**

This is the fifth Statement of Licensing Policy produced by Tendring District Council as the Licensing Authority under the Gambling Act 2005 (forthwith referred to as the 'Act' throughout this document) and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 03 January 2019.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make Tendring a safe and welcoming place for both residents and visitors to enjoy.

Councillor Mark Cossens  
Chairman, Licensing Committee

<p><b>TENDRING DISTRICT COUNCIL</b></p> <p><b>GAMBLING LICENSING POLICY</b></p> <p><b>STATEMENT</b></p>
---

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# PART A

## **1.0 INTRODUCTION**

**1.1** This Statement of Licensing Policy sets out the principles that Tendring District Council, as the Licensing Authority under the Act (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

## **2.0 THE LICENSING OBJECTIVES**

**2.1** In exercising most of its functions under the Act, 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **3.0 DESCRIPTION OF THE DISTRICT**

**3.1** The Tendring District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities.



The District forms a rural peninsular bounded by the Stour estuary to the North, the Colne estuary to the South and the North Sea to the East. As at 2016 the population stood at an estimated 143,400 who live in well-established towns, the largest of which is Clacton on Sea. However, many residents occupy the rural hinterland in the District's many thriving villages and hamlets.

Tendring is well known for having one of the longest coastlines and the sunniest, driest weather of any District in the country. Tourism thrives in the District with many former visitors choosing to settle here and with tourism being a main source of income for the District.

The District benefits from a good rail and road infrastructure and is within easy reach of London Stansted Airport. The District boasts no fewer than fourteen railway stations, with London Liverpool Street being just one hour away from the mainline station at Manningtree. There are also excellent links to the continent via Harwich International Port and further port expansion in the Bathside area of Harwich has been approved which will lead to increased employment opportunities for the District.

#### **4.0 RESPONSIBILITIES UNDER THE ACT**

**4.1** The Act has introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.

**4.2** The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Tendring District Council is the Licensing Authority for the Tendring District.

**4.3** The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- provide betting or act as intermediaries for betting;



- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

**4.4** The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.

**4.5** The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-

- in accordance with any relevant Code of Practice under Section 24 of the Act;
- in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- reasonably consistent with the Licensing Objectives (subject to the above paragraphs, and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

## **5.0 STATEMENT OF LICENSING POLICY**

**5.1** The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

**5.2** In this document this is referred to as 'the Policy'. This Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

**5.3** This Policy takes effect on 31 January 2019 and replaces the Policy previously in force.

## **6.0 CONSULTATION**

**6.1** In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex 'A'.

**6.2** The Act requires that the following parties are consulted by the Licensing Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

**6.3** The other groups and people consulted were:-

- Organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

**6.4** The Licensing Authority's consultation took place between 18 July 18 and 15 August 2018.

## **7.0 APPROVAL OF POLICY**

**7.1** This Policy was approved at a meeting of the full Council on \*\*\*\*\* 2019 and was published via its website on 31 January 2019. Copies are available on request.

**7.2** It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

## **8.0 DECLARATION**

**8.1** In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.

**8.2** The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.

**8.3** Appendices have been attached to this Statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act, or the guidance or regulations issued under the Act.

## **9.0 RESPONSIBLE AUTHORITIES**

**9.1** A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex 'B'. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.

**9.2** The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

- the competency of the body to advise the Licensing Authority;
- 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 interest group etc.

**9.3** In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.

## **10.0 INTERESTED PARTIES**

**10.1** Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

*'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application 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,*
- c) represents persons who satisfy paragraphs (a) or (b).'*

**10.2** Interested Parties can be persons who are democratically elected, such as District and Parish Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties.

**10.3** District Councillors who are members of the Licensing Committee will not qualify to act in this way.

**10.4** Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

**10.5** The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

**10.6** In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- The catchment area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious.
- It raises issues that relate to Guidance issued by the Gambling Commission.
- It raises issues that relate to this policy.
- It relates to the Licensing Objectives.

## **11.0 EXCHANGE OF INFORMATION**

**11.1** In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

**11.2** In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal

- Scottish ministers
- Any other person or body designated by the Secretary of State in accordance with the Act

**11.3** The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

## **12.0 PUBLIC REGISTER**

**12.1** The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

## **13.0 COMPLIANCE AND ENFORCEMENT**

**13.1** In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice. This requires that actions should be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

**13.2** The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.

**13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act, will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It is also worth noting that concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

**13.4** The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.

**13.5** Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

**13.6** As part of its ongoing inspection regime, The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. The Licensing Authority expects to be advised of results where operators carry out their own test purchasing. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.

**13.7** Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

- Coral – London Borough of Newham
- Ladbrokes – Milton Keynes
- Paddy Power – Reading
- William Hill – City of Westminster

## **PART B PREMISES LICENCES**

### **14.0 DELEGATION OF POWERS**

**14.1** The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Annex 'E'.

### **15.0 GENERAL PRINCIPLES**

**15.1** Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

**15.2** In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult gaming centre premises (for category B3, B4, C and D machines)
- Family entertainment centre premises (for category C and D machines) (it is worthy of note that separate to this category, the Licensing Authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

**15.3** Each case will be decided on its individual merits, and will depend upon the type of gambling that is proposed. Also taken into account will be how the applicant proposes that the Licensing Objective concerns can be overcome.

**15.4** Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- in accordance with any relevant Code of Practice under Section 24 of the Act;
- in accordance with any relevant guidance issued by the Gambling Commission under Section 25;
- to be reasonably consistent with the Licensing Objectives; and
- in accordance with the Licensing Authority's Statement of Licensing..

### **15.5 Definition of Premises**

Premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licenced or unlicensed).

### **15.6 Demand**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

## **15.7 Location**

Location will only be a material consideration in the context of the Licensing Objectives.

**15.8** The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

**15.9** In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 06 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under Section 10; that licencees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licencees must take into account relevant matters identified in this policy.

**15.10** The LCCP also states that licencees must review and update (as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstance, including those identified in this policy
- b) when there are significant changes at a licencee's premises that may affect their mitigation of local risks
- c) when applying for a variation of a premises licence
- d) in any case, undertake a local risk assessment when applying for a new premises licence

**15.11** The Licensing Authority expects the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in area subject to high levels of crime and disorder
- the ethnic profile of residents in the area and how game rules, self-exclusion material are communicated to these groups
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

**15.12** In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected

**15.13** Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of the premises affects this
- Details as to the location and coverage of working CCTV cameras and how the system will be monitored
- The layout of the premises so that staff have an unobstructed view of persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises an observing those persons using the premises
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines



The Licensing Authority expects all licensed premises to make their local area risk assessment available on site for inspection on the request of an authorised officer.

**15.14** Such information may be used to inform the decision the council makes about whether to grant a licence with special conditions or to refuse an application.

**15.15** This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

## 15.16 Licensing Objectives

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

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

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –**

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are 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.

## 15.17 Conditions

The Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives.

Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises 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.

In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:-

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

**15.18** Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

**15.19** It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

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

#### **15.20 Door Supervisors**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

#### **15.21 Credit**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

#### **15.22 Betting Machines [See Annex C for definition]**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

- 15.23** When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall 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 or by vulnerable persons.

**15.24** In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

## **16.0 PROVISIONAL STATEMENTS**

**16.1** In light of the judgement in respect of an application for a Betting Premises Licence in respect of premises located in Southend-on-Sea, notwithstanding paragraphs 7.55, 7.56 and 7.57 of the Gambling Commission's Guidance to Licensing Authorities:- a Premises Licence under the Gambling Act 2005 may lawfully be granted in respect of premises that are not ready to be used for gambling, the premises being about to be or in the course of construction or alteration, and they being premises which the applicant has a right to occupy and in respect of which he/she holds an operating licence which authorises him/her to carry on the activity in respect of which the Premises Licence is sought.

## **17.0 REPRESENTATIONS AND REVIEWS**

**17.1** Representations and Applications for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

**17.2** The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Head of Legal Services as being the proper person to act on its behalf.

**17.3** The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

**17.4** There is no appeal against the Authority's determination of the relevance of an application for review.

## **18.0 ADULT GAMING CENTRES**

**18.1** An Adult Gaming Centre is defined in Annex 'C'. Entry to these premises is age restricted.

**18.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **19.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES**

**19.1** A Licensed Family Entertainment Centre is defined in Annex 'C'. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

**19.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **20.0 CASINOS**

**20.1** The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

### **20.2 Casinos and Competitive Bidding**

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement of Licensing Policy was adopted this area had not been so enabled.

### **20.3 Betting Machines**

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the casino*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should 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 or by vulnerable persons.

**20.4** In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

### **20.5 Credit**

Credit facilities are prohibited in casinos, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **21.0 BINGO PREMISES**

**21.1** A Bingo premises is defined in Annex 'C'. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

**21.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

### **21.3 Credit**

Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **22.0 BETTING PREMISES**

**22.1** Betting Premises are defined in Annex 'C'.

**22.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

### **22.3 Betting machines**

Conditions may be imposed.

**22.4** In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of practice or Guidance issued under the act.

### **22.5 Fixed Odds Betting Terminals (FOBTs)**

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBTs may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels; in order to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players (particularly in relation to players who are deemed to be vulnerable and to prevent those under 18 years of age accessing gambling facilities).

**22.6** The Licensing Authority expects FOBTs to be positioned in such a way that they can be appropriately monitored by staff, particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required.

## **23.0 TRACKS**

**23.1** A Track is defined in Annex 'C'. Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

## **24.0 TRAVELLING FAIRS**

**24.1** The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use. (See Annex 'H').

**PART C  
PERMITS/TEMPORARY OR  
OCCASIONAL USE NOTICES/REGISTRATIONS**

**25.0 GENERAL**

**25.1** Forms and Method of Application and any additional information or documents required for permits covered by this section are shown in Appendix F.

**26.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE  
GAMING MACHINE PERMITS**

**26.1** Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a 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.

**26.2** The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover, together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.

**26.3 Statement of Licensing Principles**

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises,
  - children causing perceived problems on/around the premises, and
  - suspected truant children

**27.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

**27.1** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

**27.2** Gaming machines can only be located on licensed premises that have a bar for serving customers.

**27.3** Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

**27.4** Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited, 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 machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as Gamcare.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

**27.5** Credit facilities are prohibited in premises licensed for bingo, however this does not prevent the installation of cash dispensers (ATM) on the premises; although the Licensing Authority may attach conditions as to the siting of such machines.

## **28.0 PRIZE GAMING PERMITS**

### **28.1 Statement of Licensing Principles**

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises,
  - children causing perceived problems on/around the premises, and
  - suspected truant children

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

## **29.0 CLUB GAMING AND CLUB MACHINE PERMITS**

**29.1** Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

**29.2** A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

## **30.0 TEMPORARY USE NOTICES (TUN)**

**30.1** The persons designated to receive TUNs and to issue objections are specified in Annex 'D'.



- 30.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.
- 30.3 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 30.4 The definition of a "set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.5 The Licensing Authority will 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.

### 31.0 **OCCASIONAL USE NOTICES**

- 31.1 Occasional Use Notices (OUN) apply only to Tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 31.5 The person designated to receive the OUN's and to assess its validity is the Head of Legal Services and Monitoring Officer. (A copy to be served on local Chief of Police).

### 32.0 **SMALL SOCIETY LOTTERIES**

- 32.1 The definition of a Small Society Lottery is contained in Annex 'C' and these require registration with the Licensing Authority.

### 33.0 **DEFINITIONS – Annex 'C'**

### 34.0 **TEMPORARY USE NOTICES/HOW TO MAKE A REPRESENTATION**

### 35.0 **TABLE OF DELEGATIONS OF LICENSING FUNCTIONS – Annex 'E'**

### 36.0 **APPLICATION PROCESS - Annex 'F'**

### 37.0 **FEES – Annex 'G'**

### 38.0 **USEFUL CONTACTS**

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) Some of these organisations provide codes of practice on their particular interest area.



**ANNEX 'A'**

**LIST OF CONSULTEES**

British Amusement Catering Trade Association (BACTA)  
Churches Together  
Citizens Advice Bureau  
Essex Fire and Rescue Services  
Essex Police  
Essex County Council Children's Safeguarding Service  
Gamblers Anonymous  
Gamcare  
Gambling Commission  
HM Revenues and Customs  
Ladbrokes Betting and Gaming Limited  
Local Solicitors  
Members of the District Council  
Solicitors specialising in licensing issues  
Tendring and Colchester Minority Ethnic Partnership  
Tendring Community Voluntary Services  
Tendring District Council Environmental Services  
Tendring District Council Planning Services  
North East Essex Primary Care Trust  
Town and Parish Councils  
Essex County Council Trading Standards  
The Salvation Army  
Holders of Premises Licences and Permits under the Gambling Act 2005  
The Licensing Committee  
Public Health

**ANNEX 'B'****RESPONSIBLE AUTHORITIES**

<b>ORGANISATION</b>	<b>CONTACT AND ADDRESS</b>	<b>TELEPHONE</b>
Tendring District Council [Licensing Section]	The Licensing Team 88-90 Pier Avenue Clacton on sea Essex CO15 1TN	01255 686565
Essex Police	The Chief Officer of Police Essex Police Licensing Unit PO Box 12306 Police Station Newland Street Witham CM8 2AS	101 ext 452035
Essex County Fire and Rescue Service	Workplace Fire Safety East Command Colchester Fire Station Cowdray Avenue Colchester CO1 1XT	01206 574255
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX	01245 492211
Trading Standards [Essex]	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS	01245 341800
Tendring District Council [Planning]	Planning Support Team Leader Planning Services Tendring District Council Council Offices Weeley Essex CO16 9AJ	01255 686161

Tendring District Council Environmental Health	Environmental Health Tendring District Council Council Offices Weeley Essex CO16 9AJ	01255 686750
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6500
HM Revenue & Customs	National registration Unit Betting & Gaming Cotton House & Cochrance Street Glasgow G1 1HY	03000 516023

In relation to vessels only, the Navigation Authority having functions in relation to any place where the vessel is or likely to be while activities are carried on in reliance on a premises licence. For this purpose, correspondence should be sent to:

Surveyor-in-Charge  
Maritime & Coast Guard Agency  
Marine Office  
Central Court  
1B Knoll Rise  
Orpington  
BR6 0JA                      Telephone: 01689 890400

**Any further enquiries or assistance can be obtained from the Licensing Authority on the contact details given above. Addresses were correct at the time of publishing but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing.**

## ANNEX 'C'

### DEFINITIONS

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Automatic provision</li><li><input type="checkbox"/> Regulations provided by Secretary of State</li><li><input type="checkbox"/> Conditions provided by Gambling Commission</li><li><input type="checkbox"/> Conditions provided by Licensing Authority</li></ul> <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li>❑ Small Society Lottery [required to register with Licensing Authorities.</li> <li>❑ Incidental Non Commercial Lotteries.</li> <li>❑ Private Lotteries.</li> <li>❑ Customer Lotteries.</li> </ul>																											
External Lottery Manager	<p>An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.</p>																											
Gaming	<p>Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.</p>																											
Gaming Machine	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p><u>Categories</u></p> <table border="1" data-bbox="702 996 1380 1339"> <thead> <tr> <th>Category</th> <th>Max. Stake</th> <th>Max. Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£2</td> <td>£4,000</td> </tr> <tr> <td>B2</td> <td>£100</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3A</td> <td>£1</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£1</td> <td>£250</td> </tr> <tr> <td>C</td> <td>50p</td> <td>£25</td> </tr> <tr> <td>D</td> <td>10p or 30p*</td> <td>£5 or £8*</td> </tr> </tbody> </table> <p>*when monetary prize only</p>	Category	Max. Stake	Max. Prize	A	Unlimited	Unlimited	B1	£2	£4,000	B2	£100	£500	B3	£2	£500	B3A	£1	£500	B4	£1	£250	C	50p	£25	D	10p or 30p*	£5 or £8*
Category	Max. Stake	Max. Prize																										
A	Unlimited	Unlimited																										
B1	£2	£4,000																										
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B3	£2	£500																										
B3A	£1	£500																										
B4	£1	£250																										
C	50p	£25																										
D	10p or 30p*	£5 or £8*																										
Guidance to Licensing Authorities	<p>Guidance issued by the Gambling Commission 3<sup>RD</sup> edition dated May 2009.</p>																											
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>																											
Incidental Non Commercial Lottery	<p>A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]</p>																											

Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <input type="checkbox"/> Lives sufficiently close to the premises to be likely affected by the authorised activities. <input type="checkbox"/> Has business interests that might be affected by the authorised activities. <input type="checkbox"/> Represents persons in either of the above groups.
Licensing Objectives	1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <input type="checkbox"/> Identify the promoting society; <input type="checkbox"/> State the price of the ticket, which must be the same for all tickets; <input type="checkbox"/> State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and <input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.
Members' Club	A club that must:- <input type="checkbox"/> Have at least 25 members; <input type="checkbox"/> Be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> Be permanent in nature; <input type="checkbox"/> Not be established to make commercial profit; <input type="checkbox"/> Be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.



Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	There are three types of Private Lotteries: <ul style="list-style-type: none"> <li><input type="checkbox"/> Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</li> <li><input type="checkbox"/> Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</li> <li><input type="checkbox"/> Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</li> </ul>
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> <li><input type="checkbox"/> Expects to be constructed.</li> <li><input type="checkbox"/> Expects to be altered.</li> <li><input type="checkbox"/> Expects to acquire a right to occupy.</li> </ul>
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.

Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> <li>❑ The Licensing Authority in whose area the premises is partly or wholly situated</li> <li>❑ The Gambling Commission</li> <li>❑ The Chief Officer of Police</li> <li>❑ Fire and Rescue Service</li> <li>❑ The Planning Authority for the local authority area</li> <li>❑ Environmental Health Service for the local authority area</li> <li>❑ The Body competent to advise on the protection of children from harm</li> <li>❑ HM Revenue and Customs</li> <li>❑ Authority in relation to vulnerable adults</li> <li>❑ Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency</li> </ul> <p>Full details of Responsible Authorities for the Tendring District are contained in Appendix 'B' to this Policy.</p>
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society, or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of a 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.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

Vulnerable Persons	<p>No set definition, but likely to mean group to include people who:-</p> <ul style="list-style-type: none"> <li>❑ gamble more than they want to</li> <li>❑ gamble beyond their means</li> <li>❑ who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs</li> </ul>
Young Person	<p>An individual who is not a child but who is less than 18 years old.</p>

## **ANNEX 'D'**

### **TEMPORARY USE NOTICES**

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Essex Police
- HM Commission for Revenues and Customs
  
- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

**ANNEX 'E'**

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	-	-	X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

## **ANNEX 'F'**

### **APPLICATION PROCESS**

This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### **PREMISES LICENCES**

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an Operating Licence allowing the proposed activities to be carried out. The Premises Licence cannot be granted until the necessary Operator's Licence has been issued.

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing category C gaming machines.

A licence is restricted to one premises only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

#### **BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)**

##### **New Licences or Permissions**

Applicants wishing to commence operating after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an Operator's Licence and from 31 January 2007 to the Licensing Authority for a Premises Licence.

#### **TRACKS**

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises licence holder (in relation to dog tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

Betting machines may also be operated at tracks (see *'Betting machines'*).

**The licensing process is the same as for other premises described above.**

### **BETTING MACHINES**

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

### **GAMING MACHINE SUPPLY & REPAIR**

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

### **GAMING MACHINES IN LICENSED PREMISES**

Premises Licences issued under the Act automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Act introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

**Fig. 1**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
A	Unlimited	Unlimited
B1	2	4000
B2	100	500
B3	2	500
B3A	1	500
B4	1	250
C	.50p	35
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D Non money prize (other than a crane machine)	30p	8
D Non money prize (crane grab machine)	1	50

**Fig. 2**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Regional casino			A,B,C and D, except B3A. Maximum of 1250 or 25 x No of gaming tables, whichever is less. (Casino must have at least 40 gaming tables. Otherwise permission is as for large casino)					
Large casino			B,C and D, except B3A. Maximum of 150 or 5 x No of gaming tables, whichever is less. (Large casino must have at least one gaming table)					
Small casino			B,C and D except B3A.Maximum of 80 machines or 2 x No of gaming tables, whichever is less.					
Pre-2005 Act casinos (no machine/ table ratio)			Maximum of 20 machines categories B to D or C or D machines instead (except B3A)					
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categories B2 to D not to include B3A				
Bingo Premises						Maximum of 8 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *	No limit on category C or D machines	
Adult gaming centre						Maximum of 4 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *	No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family Entertainment Centre gaming machine permit							D	
Club Gaming permit						B3A, B4, C and D	3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.	
Club machine permit					B3A, B4, C and D	3 total		
Licensed premises: automatic entitlement					C and D	2 total		
Licensed premises gaming machine permit					C and D	Unlimited		



\*Licensed AGC and bingo premises in existence before 13<sup>th</sup> July 2011 are entitled to make available four (AGCs) or eight (bingo) category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. AGC and bingo premises licences granted on or after 13<sup>th</sup> July 2011 but before 1<sup>st</sup> April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1<sup>st</sup> April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

### **TEMPORARY USE NOTICES (TUN's)**

A TUN may only be issued by a person or company holding an Operating Licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12 month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

The Licensing Authority will generally aim to permit gambling activities under a TUN but will 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.

#### **Issue**

Not less than 3 months and 1 day prior to the day on the which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority
  - the Chief Officer of Police
  - HM Commissioners for Revenue and Customs
- and, if applicable,
- any other Licensing Authority in whose area the premises are situated

The notice must include details of: -

- the date the notice is given
- the gambling activity to be carried on
- the premises where it will take place
- the dates and times it will take place
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by Regulations

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

## **Objections**

Having regard to the Licensing Objectives, those Authorities upon whom the TUN is served may make objections to the gambling activity taking place within 14 days of the date of the notice. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector[s] object to the new notice.

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

## **OCCASIONAL USE NOTICES (OUN'S)**

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premises on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

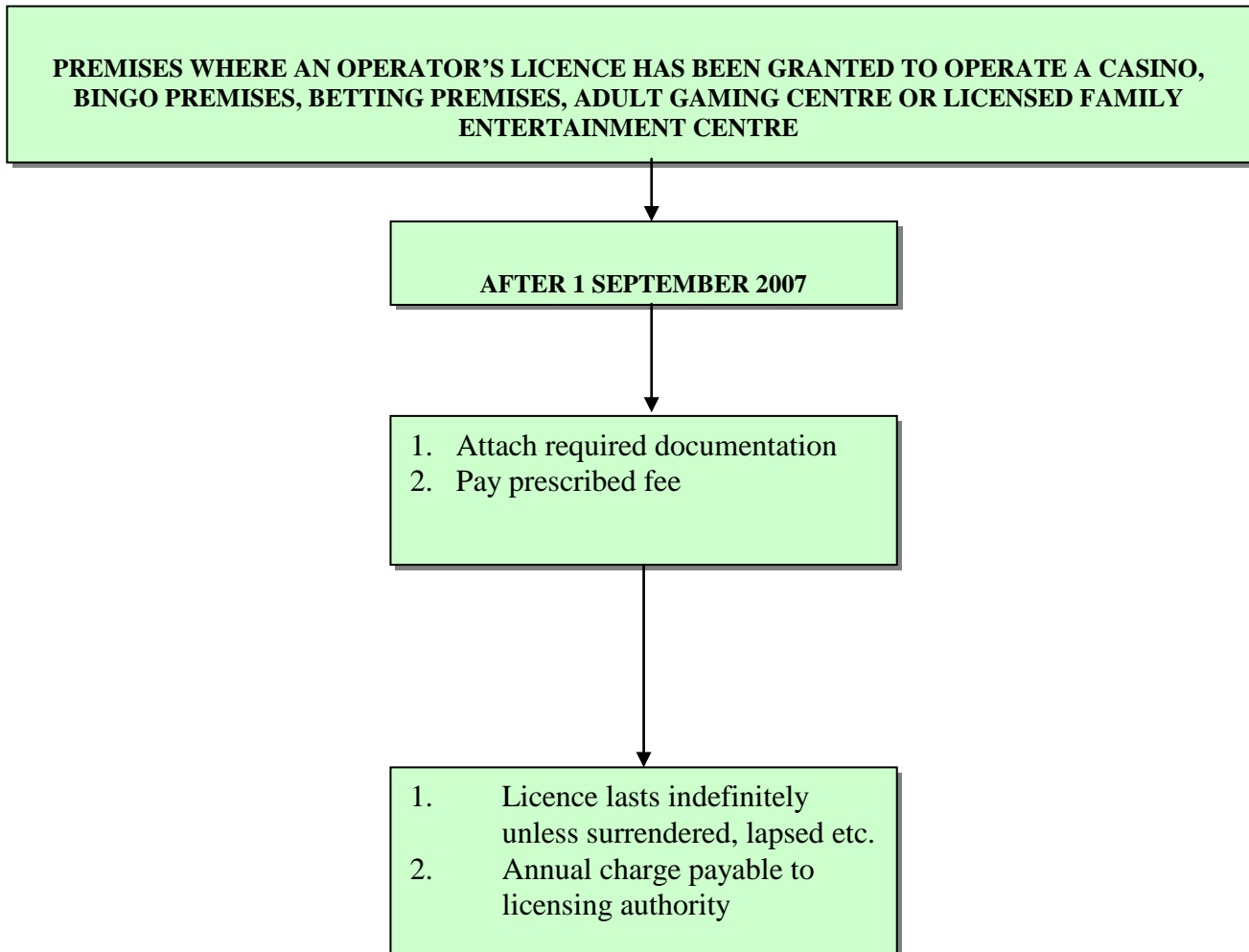
## **Issue**

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

## **Objections**

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

## PREMISES LICENCES



## **GAMING PERMITS**

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

## **GAMING MACHINES**

The Act introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

**Fig. 3**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
B3A	1	500
B4	1	250
C	1	35
D (Money prize)	10p	5
D Non money prize (other than a crane grab machine)	30p	8
D Non money prize (crane grab machine)	1	50
D combined money and Non money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.

**Fig. 4**

Premises Type	Machine category							
	A	B1	B2	B3	B3(A)	B4	C	D
Clubs or Miners' Welfare Institutes with permits					Maximum of 3 category B3(A) to D machines			
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with gaming machine permit							Unlimited entitlement of 1 or 2 category C or D machines	
Family Entertainment Centre (with permit)							Unlimited category D machines	
Travelling Fair							Unlimited category D machines	

**ALCOHOL LICENSED PREMISES**

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

**Automatic Entitlement**

The Act gives an automatic entitlement for the holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements
- the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

### **New permits**

Where the holder of a Premises Licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons
- any documentary evidence [ e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intends to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the Premises Licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

## MEMBERS' CLUBS

The Act permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3(A), B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3(A), B4, C or D under a **Club Machine Permit**.

### New Permits

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous 10 years
- an objection has been made by the Police or Gambling Commission

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing Authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a Members' Club or no longer qualifies under the 'fast track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

### **OTHER PREMISES (TAXI OFFICES, TAKE-AWAY RESTAURANTS, ETC.)**

Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a new gaming machine permit under the Act and will be unable to operate gaming machines of any kind.

### **UNLICENSED FAMILY ENTERTAINMENT CENTRES**

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Gambling Policy Licensing Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A permit will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

### **New permits**

Applications for new permits may be made to the Licensing Authority.



## **PRIZE GAMING**

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A Prize Gaming Permit will not authorise the use of gaming machines.

The Authority may apply its Gambling Licensing Policy Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

### **New permits**

Applications for new permits may be made to the Licensing Authority.

### **Prize gaming without a permit**

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Act, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling Fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

## **TRAVELLING FAIRS**

Travelling Fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

## ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D

AFTER 1 SEPTEMBER 2007

### UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

### MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

1. Permit has effect from date of grant unless surrendered or cancelled
2. Annual charge to be paid to Licensing Authority

1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

### **BUT**

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

## MEMBERS' CLUBS

**MAXIMUM OF 3 CATEGORY B3A, B4, C OR D  
MACHINES**

**AFTER 1 SEPTEMBER 2007**

Applications for new permits and renewals must be made to Licensing Authority

**ATTACH TO APPLICATION**

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

## UNLICENSED FAMILY ENTERTAINMENT CENTRE

**PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D**

**NEW PERMIT TO OPERATE  
AFTER 1 SEPTEMBER 2007**

1. Attach information required by Gambling Licensing Policy Statement
1. Attach plan of premises showing location of machines
2. Consult Chief of Police
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

## PRIZE GAMING PERMIT

**PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005**

**NEW PERMIT TO OPERATE  
AFTER 1 SEPTEMBER 2007**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

## **LOTTERIES**

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Act defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions

The Licensing Authority may refuse an application if: -

- it considers the applicant is not a non-commercial society
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

## **NEW REGISTRATIONS**

An application for registration with the prescribed fee must be made to the Licensing Authority under the Act. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

## **Lottery Requirements**

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

## **Returns**

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment, and include the following details: -
  - the dates when tickets were available for sale;
  - the dates of any draw and value of prizes, including any rollover;
  - the proceeds raised;
  - the amounts deducted for prizes and expenses incurred in organising the lottery;
  - the amount applied or to be applied to the purposes of the promoting society; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

## **EXTERNAL LOTTERY MANAGERS**

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## SMALL SOCIETY LOTTERIES

**PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN**

1. Attach information required: -
  - (a) Purpose for which society established
  - (b) Confirm bona fides of society as non-commercial
  - (c) Declare convictions, if any
1. Pay prescribed fee
2. Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
  2. No single prize to exceed £25000
  3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
  4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw
- Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -
5. Dates tickets were available for sale, dates of draw and value of prizes
  6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
  7. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
  2. Any person connected with promotion of lottery has been convicted of relevant offence , or
  3. Information provided in application is false/misleading
- Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
- Registration may be revoked where grounds exist for an application for registration to be refused. BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations



## ANNEX G

### FEES

Classes of Premises Licence	Application for a Permit - New Operator £	Application for a Permit - Existing Operator £	Renewal of a Permit £	Annual Fee £	Fee for application to vary a Permit £	Fee for application to transfer a Permit £	Change of Name £	Copy of Permit £
Prize Gaming	300	100	300	–	–	–	25	15
Family Entertainment Centre Gaming Machine (Category D machines only)	300	100	300	–	–	–	25	15
Club Gaming and Club Machine Permit	200	100	200	50	100	–	–	15
Licensed Premises Gaming Machine Permit	150	100	–	50	100	25	25	15
Notice of Intention to make gaming machines available on premises with an premises alcohol licence. Two or less Category D Gaming Machines				Application for a Permit – New Operator £50				

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of current fees can be obtained by contacting

The Licensing Section  
88-90 Pier Avenue  
Clacton on Sea  
Essex  
CO15 1TN

Tel: 01255 686565  
Fax: 01255 686343

E-mail: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

or alternatively by viewing the Council's Website.

Contact for further information and  
ALTERNATIVE LANGUAGES AND FORMATS OF THIS PLAN

If you require an alternative language or format of this Policy or if you would like further information or have any comments on anything contained in the Policy, please contact the Legal Services, Licensing Team on  
**01255 686565**

or write to us at:-

**Tendring District Council, Council Offices,  
Thorpe Road, Weeley,  
Essex CO15 9AJ**

Or send us an e-mail at: -

**[licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)**

This Policy is also available on the Council's Website

**[www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)**

**BENGALI**

যদি আপনার এই নথিটি বাংলা ভাষায় প্রয়োজন হয়, তাহলে [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) এর মাধ্যমে অনুবাদ করে দেওয়ার জন্য অনুরোধ করা যেতে পারে।

**CHINESE**

如果你需要这份文件的简体中文翻译，可以通过[www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk)订购。

**GUJERATI**

જો આ દસ્તાવેજ તમને ગુજરાતીમાં જોઈતું હોય તો [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) થકી એનું ભાષાંતર ખરીદી શકાય છે.

**HINDI**

यदि आप इस दस्तावेज को हिन्दी में चाहते हैं, तो [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) के माध्यम से अनुवाद का ऑर्डर दिया जा सकता है।

**POLISH**

Jeśli potrzebujesz ten document w J. Polskim, tłumaczenie może być zlecone na stronie [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk)

**TURKISH**

Eğer bu dökümanı Türkçe olarak istiyorsanız, çeviri [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) yolu ile düzenlenebilir.

**URDU**

اگر آپ کو اس دستاویز کی ضرورت اردو میں ہے تو [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) کے ذریعے اس کے ترجمہ کی فرمائش کی جا سکتی ہے