



## LICENSING AND REGISTRATION COMMITTEE

<b>DATE:</b>	<b>Wednesday, 7 November 2018</b>
<b>TIME:</b>	<b>7.30 pm</b>
<b>VENUE:</b>	<b>Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ</b>

### MEMBERSHIP:

<b>Councillor Cossens (Chairman)</b>	<b>Councillor J Henderson</b>
<b>Councillor Callender (Vice-Chairman)</b>	<b>Councillor Watson</b>
<b>Councillor Amos</b>	<b>Councillor White</b>
<b>Councillor B Brown</b>	<b>Councillor Whitmore</b>
<b>Councillor Davis</b>	<b>Councillor Winfield</b>
<b>Councillor V Guglielmi</b>	

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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 Charlotte Cooper on 01255 686007.**

DATE OF PUBLICATION: Wednesday, 31 October 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**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 18 July 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 1 - 14)**

The Committee is to receive and note, the information only, the minutes of the meetings of the Premises/Personal Licences Sub-Committee held on 3 August 2018 and 14 September 2018.

### **6 Report of the Corporate Director (Operational Services) - A.1- Licensing Act 2003 - Applications Approved Under Delegated Powers (Pages 15 - 20)**

Details of Licences that have been approved under Delegated Powers during the period 12 June 2018 to 22 October 2018 are submitted for the Committees information.

### **7 Report of the Corporate Director - A.2 - Review of Draft Statement of Gambling Policy After public consultation. (Pages 21 - 96)**

To consider the responses received from the public consultation that has taken place for the review of the Council's Statement of Gambling Policy and amend its draft policy in light of any responses received before agreeing a final policy and recommending its adoption by the Full Council.

### **8 Report of Corporate Director (Operational Services) - A.3 - Hackney Carriage and Private Hire Vehicle Licensing –Reduction in Licence Fee For Environmentally Friendly (Lower Emission) Vehicles (Pages 97 - 102)**

To consider whether it is reasonable to allow a reduced annual licence fee to be charged in respect of lower emission vehicles and, if so, agree that this review should be subject to public consultation and scrutiny.

### **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, 30 January 2019.*

## **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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# Public Document Pack Agenda Item 5

Premises / Personal Licences Sub-Committee

3 August 2018

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 3RD AUGUST, 2018 AT 10.00 AM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Cossens, Watson, Winfield and Whitmore (Stand-by Member).
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Emma King (Licensing Officer)

**10. CHAIRMAN FOR THE MEETING**

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

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

**11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**12. MINUTES OF THE LAST MEETINGS**

The minutes of the meetings of the Premises/Personal Licences Sub-Committees held on 24 May and 4 June 2018 were approved as correct records and signed by the Chairman.

**13. DECLARATIONS OF INTEREST**

There were none.

**14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**15. A.1 REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DOVERCOURT SKATE RINK, LOWER MARINE PARADE, HARWICH, ESSEX**

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 20 minutes for each side.

There was then a short period of time where the list of objectors who wished to speak was compiled.

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 Dovercourt Skate Rink, Lower Marine Parade, Harwich.

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

Saturdays to Thursdays	1100 to 1600 hours
Fridays	1100 to 2330 hours

#### Seasonal Variations

Summer months and school holidays extend the opening hours everyday until 2300 hours.

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

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

Members were further informed that 52 letters of representation/objection had been received in relation to this application.

It was reported that no 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.

The Chairman then asked the Licensing Manager to reiterate the expert evidence on the effects of noise at the premises as Essex Police and TDC's Environmental Health Section had not made any representations.

The Chairman then asked the Applicant to give a summary of his application.

The Applicant, Mr Christopher Scutt, then addressed the Sub-Committee and stated that he had been running the Dovercourt Skating Rink for the last three years. He had run approximately ten events utilising Temporary Event Notices, such as wrestling and films and had not had any complaints during that time. He felt that the business was not working as just a skating rink and therefore he was trying to diversify. He had no intention of trading everyday at the times applied for and would end any activities at 8.00 p.m. in the Winter months and by 11.00 p.m. in the Summer months. He had produced a noise management plan to ensure that residents were not affected and which was attached as an appendix to Report A.1 of the Corporate Director (Operational Services). He stated that he had purchased a Dome to try and alleviate the noise levels. He had looked at car parking when running events and had contacted the Council who had agreed to keep the adjacent car park open.

The Chairman asked the Objectors who were present if they had any questions of clarification to ask Mr Scutt before they addressed the Sub-Committee.

Mr Terry Rogers asked Mr Scutt what material the dome was made of, i.e. was it made of acoustic material. He also asked about the placement and direction of speakers. When showing films, if the screen was at the end of the skating rink he assumed that the speakers would be facing that way, not facing out to sea. If they were aimed at the audience, this would not help the effect on residents.

Mr Scutt then confirmed that the dome was inflatable and that it had been trialled at a Comic Con event which had been held at the premises. The speakers faced the seafront and they were directional speakers. It should not affect residents if the speakers were at the end of the premises. One speaker could be pointing forwards and one could be pointing diagonally facing the road and no sound would go towards the residents' properties.

Mr Adam Kulacz asked Mr Scutt about the noise management plan. What would the noise levels be if using the dome? There was nothing mentioned in the noise management plan in respect of acoustic barriers. He asked what were the parameters of the speakers as he was concerned that with wind direction noise could travel. He stated that noise prevention equipment should have specifications.

Mr Scutt confirmed that although he could not confirm what type of speakers would be used there were specifications on the equipment. He reiterated that at the Comic Con event when the dome had been trialled there had been no complaints.

The Chairman asked the Licensing Manager if she had anything further to add and she stated that she could not speak on behalf of Environmental Health, but that they had undertaken a site visit and had made suggestions in respect of the noise and those had been included within the noise management plan. If the Licence was granted, and subsequently there were complaints about noise, those complaints would be looked at and investigated by Environmental Health.

Mrs Thompson queried the licensing objective of protecting children from harm and how Mr Scutt would ensure that children passing by did not see films they shouldn't and Mr Scutt confirmed that when showing films e.g. with an 18 Certificate the screen would be angled so that it could not be seen from the road.

Mr Kulacz then commented that if the screen was situated differently then the speakers would be angled differently and Mr Scutt confirmed that no, the speakers would be in the same place.

The Chairman then asked the Members of the Sub-Committee if they had any questions for Mr Scutt.

Councillor Winfield asked if the noise was loud would a noise limiter be installed and Mr Scutt confirmed that the noise management plan was a working document and therefore this could be changed if needed.

The security of the alcohol supplies was mentioned and Mr Scutt confirmed that they would be locked away but would not be served on a regular basis in any event.

The Chairman asked Mr Scutt whether he proposed to play recorded music as this was not mentioned in his application and Mr Scutt confirmed that he did not intend to play recorded music. The Licensing Manager confirmed that any music played during the use as a skating rink was ancillary to skating and therefore already covered.

The Chairman then invited the objectors present at the meeting to address the Sub-Committee.

Mr Terry Rogers said that he had real concerns about the mitigation of noise generated. He was concerned about enforcement and had serious doubts that any conditions would be enforced and was concerned about residents' rights. He was worried that as the business was not working that this was why they were requesting a licence to allow them to have the extra activities at the premises.

Councillor Garry Calver then addressed the Committee. He thanked the Sub-Committee for letting him make representations and also thanked the Licensing Officers for their work on this matter.

He stated that since becoming a Councillor twelve years ago this was only the second application that he had sought to make comments on. He felt that the application had gone too far. He accepted that living in a seafront area a certain amount of noise had to be accepted, but that he felt that the application went beyond what was reasonable. There would be many hundreds of properties affected. He had spoken to a resident who confirmed that previously when a film was shown he could not watch the television in his own home because of the level of noise. He agreed that there had to be a balance but that the impact on residents should be given priority.

Cheryl Thompson then addressed the Sub-Committee and stated that she had concerns about the sale of alcohol. She asked how it would be monitored and controlled.

Mr Kulacz then addressed the Sub-Committee and spoke about the public nuisance aspect, littering and parking. He said that there was already parking on roads around the premises. He stated that living 100 yards away from the premises meant that residents would not have a peaceful evening. He stated that he could hear the wrestling, not just one road away, but four or five roads away. He considered that this had had a detrimental impact upon residents. Consideration should be given to residents.



Michelle Phillips then addressed the Sub-Committee and spoke about policing of events i.e. did the Police have any plans to deal with bad behaviour. She appreciated that living near the seafront a certain amount of noise had to be tolerated but she was concerned about whether the Police would respond to any incidents that occurred. She also stated that she was concerned about who would enforce the conditions once the licence had been granted.

Mr Christopher Scutt then responded to the objectors' comments. He felt that the application would not significantly change what he already undertook at the premises. He would not be selling alcohol until 10 or 11 p.m. at night every night, just on event nights.

In respect of parking, there had always been parking issues along the seafront. The Council had opened up the adjacent car park when he had events planned. He had also hired outside toilets on event nights.

He commented on the person who had complained about not being able to watch his television and said that this person had not approached him with his complaint. If he had, then the speakers could have been repositioned.

He stated that he had had no complaints in the past but that lots of objectors had now come forward because he had put in his application.

The Chairman then asked the Sub-Committee Members if they had any questions.

The Chairman asked Councillor Calver, whether there were any changes that could be made to the application to allow it to go through? Councillor Calver stated that the real worry was that this would leave residents open to the potential of there being events every night during the Summer months. He said that if events became successful then the applicant may wish to increase those events. At the moment there were limits on events and he was not opposed to what is going on at the premises at the present time. He did not feel that there was anything that could be done to take away the prospect of events eventually happening on a more regular basis.

The Chairman then asked the Applicant, Mr Christopher Scutt whether he wished to sum up his application. Mr Scutt confirmed that he would like to show films, have occasional wrestling and serve alcohol. He would be proposing to serve alcohol on events or if food was being served. In respect of the noise management plan, he stated that he would work with any issues that arose in respect of noise. As to the wrestling, he had previously had this as part of the Comic Con event on a Sunday but would be prepared to change the day of the wrestling. He stated that if the venue closed, there would be more risk of crime.

The Chairman asked the objectors if anyone would like to sum up and Mr Terry Rogers stated that there were apparently 250 people in favour of the application and the only comments received by the Council had been objections which he thought was strange.

Mr Kulacz stated that the residents only had 2 or 3 days in which to object to the application.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer 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 Legal and Governance Administration Officer then returned to 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:

"Application No. 18/00317/PREMGR Application for the Grant of a Premises Licence in respect of Dovercourt Skate Rink, Lower Marine Parade, Harwich, Essex.

1. The Sub-Committee has had a full and frank discussion and given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The Sub-Committee does not agree to grant the application in full. The Sub-Committee noted that the applicant appreciated the concerns of the local residents and indicated he would be content if certain licensable activities were not held on a Sunday. With that concession in mind, the Sub-Committee have decided that although they will grant the Licence for Sundays it will only be until 1800 hours or 6 p.m. for all licensable activities.
3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant the remainder of this application, with the usual mandatory conditions.

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 11.55 am

**Chairman**

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Premises / Personal Licences Sub-Committee

14 September 2018

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 14TH SEPTEMBER, 2018 AT 2.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Cossens, Davis, White and Watson
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance)), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**16. CHAIRMAN FOR THE MEETING**

It was moved by Councillor White, seconded by Councillor Davis and:-

**RESOLVED** – That Councillor Cossens be elected Chairman for the meeting.

**17. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Licences Sub-Committee held on 3 August 2018 were approved as a correct record and signed by the Chairman.

**18. DECLARATIONS OF INTEREST**

There were none.

**19. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**20. A.1 REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - - 17 HIGH STREET, MANNINGTREE, ESSEX**

The Chairman (Councillor Cossens) welcomed everyone to the meeting and made introductory remarks. He stated that he wished to give an equal amount of time to both the applicant and the objector to make their cases. He proposed 15 minutes for each side.

Additional information had been provided by the Objector to the Sub-Committee and the Applicant and the Chairman gave the Applicant five minutes to read this before the Licensing Manager began her verbal summary.

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 17 High Street, Manningtree.

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

Mondays to Saturday 1200 hours to 0000 hours and Sundays 1200 to 2300 hours.

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

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

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

It was reported that no 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.

The Applicant, Mr Rowan Hunter gave representations to the Sub-Committee. He stated that he wished to open a local Wine Bar, but would not serve alcohol during all of the hours between 12 Noon and 12 Midnight, but would only serve between 5.00 p.m. and closing time. He would also allow the premises to be used for private hire. Other pubs in the area were around residential areas and the premises would not be adding any extra premises to the High Street as the White Hart pub had closed. Those premises had previously been for retail use and had been closed for over a year.

The High Street was very busy and Mr Hunter considered that the traffic noise would be worse than what would emanate from the bar. He said that it would add jobs to the local area and that he would also be hiring out the premises for private events and charitable functions. He stated that he would not be having live music, only background music.

The Chairman then asked the objector, Mrs Bettle whether she had any questions for Mr Hunter. She stated that her husband was also an objector but that he could not attend today.

Mrs Bettle stated that if this licence was granted, it would be in breach of the planning conditions for the premises. Mr Hunter then stated that he had just reapplied for planning permission, and that he had applied for seven days trading, as opposed to the four that had been granted on the current planning permission.

The Chairman then asked the Sub-Committee whether they had any questions for Mr Hunter. It was queried about the planning application being in the name of Mr Welch. Mr Hunter explained that he had now taken over the premises and had reapplied for planning permission for use as a wine bar and not a coffee shop.

Mr Hunter was asked how he thought the wine bar would work and would it be viable, as the permission currently was for a coffee shop.

Mr Hunter responded that it would bring a fresher look to the area as a designated wine bar with tapas. He had nine years hospitality experience and he expected to make it a viable business.

It was stated that Planning and Licensing rules each had a bearing on the application, but were two different departments and regimes.

Mr Hunter was asked how he intended to deal with deliveries to the premises, considering the premises were right on the pavement in the High Street. He explained that deliveries would be via the back of the premises where there was a car park for his and other premises and that those deliveries would be during normal working hours and the bins would be emptied in the daytime between 10.00 a.m. and 11.00 a.m. Mr Hunter stated that he would like a licence from 12 noon, so that the premises could be privately hired or used for charitable events.

Mr Hunter was then asked how many clientele he could accommodate at any one time and he said that he could accommodate 28-32 seated but that the Fire Brigade had told him that he could have 60 people on the premises. He would normally have 2 or 3 staff working.

Mr Hunter was asked what training he would provide for staff and he stated that he would provide training in health and safety, lifting, the selling of alcohol and fire safety.

He was then asked about his statement of asking customers to leave the premises quietly and he was asked how this would be achieved. He said that there would be signs on the door of the premises asking customers to leave the premises quietly as there were residential properties nearby. He said that if customers kept on being noisy, they could be barred from using the premises.

Mr Hunter was questioned about the fact that he stated that he does not want live music and he said that he did not want to impact on what else he would like under the licence and that if he had to drop live music he would be fine with this as he only wanted to use background music and perhaps an acoustic singer on Christmas Eve and New Year's Eve.

Mr Hunter said that he had undertaken the training to gain his personal licence and he was currently waiting for his DBS check to be returned.

The Chairman then asked the objector, Mrs Bettle for her representations.

Mrs Bettle said that the overwhelming issue here was the fact that the licence applied for, if granted, would be in breach of the current planning permission which stated "no amplified music" on the premises. It would be, in her opinion, a criminal offence and would go against the licensing objective of the prevention of crime and disorder.

She said that even if the music was background music, then this was still amplified, which was not what the planning permission stated.

She further stated that the Planning permission stated that the wine bar use shall not be outside of the hours 6.00 p.m. – 11 p.m. – Thursdays to Saturdays and 6.00 p.m. – 11.00 p.m. on Sundays, but Mr Hunter was now applying for a licence for seven nights a week between 12 noon and 12 midnight.

She reminded the Sub-Committee that the Council's Licensing Policy stated at 1.14 that licensing policies should integrate with Planning Policies and at 1.19 it stated that when the Licensing Authority was considering any application, it would avoid duplication with other regulatory regimes and that applications for premises licences for permanent commercial premises should normally be from businesses with appropriate planning consent for the property concerned. Therefore this would be in direct breach of the planning permission already granted.

Mrs Bettle stated that Mr Hunter should wait until he obtained his planning permission before he applied for his premises licence.

She stated that it would also be in breach of the licensing objective of the prevention of crime and disorder. There were many other premises in Manningtree that provided evening entertainment.

She also stated that she was concerned in respect of the licensing objective of public safety and she felt that these premises were probably in the worst place in the High Street for an evening establishment and this was where the street narrowed.

There was also the consideration of peaceful enjoyment for the residents living nearby. She stated that residential use was increasing in the area and many had bedrooms at the front of their properties and they would therefore not have peaceful enjoyment. Indeed the White Hart pub which had closed had applied to change it's use to residential.

The Chairman then asked Mr Hunter whether he had any questions for Mrs Bettle. Mr Hunter asked Mrs Bettle what she thought traffic queuing in the High Street had to do with his business. Mrs Bettle responded in that she said that the volume of traffic already showed that there were enough premises trading in the evenings and there was no need for another one and also that those premises did not open out directly onto the road, whereas his did.

The Chairman then asked the Sub-Committee whether they had any questions for Mrs Bettle.

Members asked whether the traffic was still two-way on the High Street and Mrs Bettle said that yes it was, until the pinch point whereby one way took priority over the other.

Members asked Mrs Bettle whether the principal reason for her objection was the sound levels – i.e. amplified music for now potentially seven nights and she responded that yes this was the main point and these were all planning conditions-that would be breached.

Members asked if there was a safe place for taxis to pick up passengers from the premises and Mrs Bettle said certainly not outside those premises as the road was too narrow.

Members asked Mr Hunter to explain about providing tapas and Mr Hunter stated that this was Spanish style food on small plates i.e. of cheese, meats, olives etc.

Mr Hunter stated that this was not a nightclub, and he did not want to be open until midnight, rather it was his vision to open five days a week as a standard, but for special events or at peak times e.g. Christmas and New Year to be able to open seven days. He said that he was prepared to limit the number of days per week that he could open. He was asked if this would jeopardise the business and he stated that it would not affect him in a business sense and that he would be prepared to open Wednesdays to Sundays.

Mr Hunter was asked about noise levels, particularly in the summer months when doors and windows might be open and did he have any noise reduction measures in mind. Mr Hunter stated that only the door would be open when patrons were entering or leaving the premises.

The Chairman asked Mrs Bettle whether in view of the fact that her husband could not attend, had she taken all of his considerations into account and she said that his objections were mainly the safety issues with the traffic.

The Chairman then invited Mr Hunter and Mrs Bettle to sum up. Mr Hunter said that he understood that it was confusing with the existing planning permission and the permission that he had recently applied for. He would like to bring something different to the Town as there were already four empty shops in the High Street. He thought that it was something that he could do in the area and also make it accessible for the local community. He would like it to be a free hire space for the local community and would not be a nightclub and have excessive noise and drinking and he envisaged that the demographic would be the 30-50 years age group.

Mrs Bettle stated her concern about the comments in respect of using the premises as a hire space/community hub because of the issues of traffic and the fact that the premises had been given permission for use as a coffee shop with limited wine bar use and also that another condition was that there was to be no amplified music at the premises and the premises licence being applied for was stating use as a wine bar with amplified music. She felt that if the Council granted this Licence it would bring ~~them~~ it into disrepute. She stated that she felt the right time to ask for a Premises Licence would be

once the current planning application had been granted. Mr Hunter could then apply for a Premises Licence based on his planning permission.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting 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 Legal and Governance Administration Officer then returned to the meeting and the Council's Solicitor confirmed that she had provided legal advice to the Sub-Committee whilst it was making its decision in respect of whether the Sub-Committee could be adjourned because of the recent submission of Mr Hunter's planning application, but that she cannot-could not see any specific power to allow the Committee to be adjourned at this point in the proceedings for more than 5 working days.

The Chairman of the Sub-Committee then read out the Sub-Committee's formal decision as follows:

"Application No. 18/00457/PREMGR – Application for the Grant of a Premises Licence in respect of 17 High Street, Manningtree.

1. The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters setting out the Licensing Authority's own Statement of Licensing Policy.

2. The Sub-Committee does not agree to grant the application in full. The sections of the application that are not agreed are as follows:-

Sections 3.1 Performance of Live Music; 3.2 Performance of Recorded Music; 3.3 Anything of a similar description to live music, recorded music or performance of dance; 3.4 supply of alcohol [on the premises only] in part: These were not granted taking into account paragraphs 1.14 and 1.19 of this Authority's 4<sup>th</sup> Licensing Policy which came into effect on 9 February 2016, having heard both the applicant and objector.

3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant part of this application namely a Premises Licence for the sale of alcohol on Thursdays to Saturdays weekly between 6.00 p.m. and 11.00 p.m. and Sundays 6.00 p.m. to 10.00 p.m.

The reason for the grant of this Licence brings it in line with current planning permission to open for the sale of alcohol on those days and between those hours, and to grant any longer hours or additional days would place the applicant in breach of those conditions and potentially liable to prosecution.

If a new planning application is granted then the Sub-Committee would be willing to reconsider and suggest no additional/or reduced fee be charged.



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.

This Decision was made today, 14 September 2018 and will be confirmed in writing to all parties."

The meeting was declared closed at 4.48 p.m.

**Chairman**

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## LICENSING AND REGISTRATION COMMITTEE

7 NOVEMBER 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 12 June 2018 to 22 October 2018.

(ii) **Personal Licences**

A total of 2074 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 (22 October 2018)
Adult Gaming Centres	25
Betting Premises	14
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	18
Licensed Premises Machine Notifications	18
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 (10 October 2018)
Hackney Carriage Driver	320
Private Hire Driver	11
Hackney Carriage Vehicle	247
Private Hire Vehicle	28
Private Hire Operator	25

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

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## A.1 - APPENDIX A

Uniform Ref No	Organisation	Address	Grant/Conversion/ Conversion and Variation	Date Delegation Exercised
18/00276/PREMVA	Co-Op Foodstore	102 - 104 Connaught Avenue Frinton-on-Sea Essex CO13 9PT	Premises Licence Variation	13/06/2018
18/00278/PREMGR	Burrsville Park Post Office	252 Burrs Road Clacton On Sea Essex CO15 4LN	Premises Licence Grant	19/06/2018
18/00293/PREMGR	Grosvenor House Hotel	23 Carnarvon Road Clacton On Sea Essex CO15 6PH	Premises Licence Grant	19/06/2018
18/00412/PREMTR	Mithra Store - Previously R B Stores	24 Kingsway Dovercourt Harwich Essex CO12 3AB	Premises Licence Transfer	04/07/2018
18/00412/PREMTR	Mithra Store - Previously R B Stores	24 Kingsway Dovercourt Harwich Essex CO12 3AB	Premises Licence Transfer	04/07/2018
18/00447/PREMGR	Discoverbrew Limited	International Marketing and Distribution 11C Stephenson Road Clacton On Sea Essex CO15 4XA	Premises Licence Grant	23/07/2018
18/00454/PREMGR	Holiday Inn Amusements	Seaview Road St Osyth Clacton On Sea Essex CO16 8SH	Premises Licence Grant	26/07/2018
18/00317/PREMGR	Dovercourt Skate Rink	Roller Skating Rink Lower Marine Parade Dovercourt Essex	Premises Licence Grant	03/08/2018
18/00470/PREMTR	Bradfield Community Centre	Community Centre The Street Bradfield Manningtree Essex CO11 2UU	Premises Licence Transfer	08/08/2018
18/00529/PREMGR	High Street Convenience Store - Brightlingsea	61 - 63 High Street Brightlingsea Colchester Essex CO1 1PQ	Premises Licence Grant	01/09/2018

## A.1 - APPENDIX A

18/00483/PREMGR	Marks & Spencer	Unit 1 Kirby Road Walton On The Naze Essex CO14 8QP	Premises Licence Grant	11/09/2018
18/00483/PREMGR	Marks & Spencer	Unit 1 Kirby Road Walton On The Naze Essex CO14 8QP	Premises Licence Grant	11/09/2018
18/00456/PREMGR	Wynyl Ltd	16 South Street Manningtree Essex CO11 1BB	Premises Licence Grant	11/09/2018
18/00482/PREMVA	Marston's PLC	(Off A133) New Build Brook Retail Park (West) Clacton On Sea Essex	Premises Licence Variation	11/09/2018
18/00532/PREMGR	Aldi, Walton	Aldi Foodstore Ltd Kirby Road Walton On The Naze Essex CO14 8FR	Premises Licence Grant	11/09/2018
18/00532/PREMGR	Aldi, Walton	Aldi Foodstore Ltd Kirby Road Walton On The Naze Essex CO14 8FR	Premises Licence Grant	11/09/2018
18/00530/PREMVA	Co-Op Foodstore	53 Frinton Road Holland-on-Sea Clacton-on-Sea Essex CO15 5UH	Premises Licence Variation	11/09/2018
18/00528/PREMTR	Tasty Escape - Previously known As Fork and Wine	8 - 10 High Street Brightlingsea Colchester Essex CO7 0AE	Premises Licence Transfer	11/09/2018
18/00528/PREMTR	Tasty Escape - Previously known As Fork and Wine	8 - 10 High Street Brightlingsea Colchester Essex CO7 0AE	Premises Licence Transfer	11/09/2018
18/00535/PREMTR	Bengal Diner (Previously Cascada)	Fox Street Ardleigh Colchester Essex CO7 7PP	Premises Licence Transfer	12/09/2018
18/00535/PREMTR	Bengal Diner (Previously Cascada)	Fox Street Ardleigh Colchester Essex CO7 7PP	Premises Licence Transfer	12/09/2018

**A.1 - APPENDIX A**

18/00549/PREMVA	The Skinners	Station Road Manningtree Essex CO11 1DX	Premises Licence Variation	18/09/2018
18/00565/PREMTR	Royal Hotel Clacton	Royal Hotel 1 Marine Parade East Clacton On Sea Essex CO15 1PU	Premises Licence Transfer	01/10/2018

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## LICENSING AND REGISTRATION COMMITTEE

7 NOVEMBER 2018

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

#### A.2 Review of draft Statement of Gambling Policy after public consultation

Report prepared by Emma King

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To request that the Committee consider the responses received from the public consultation that has taken place for the review of the Council's Statement of Gambling Policy and amend its draft policy in light of any responses received before agreeing a final policy and recommending its 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. The Committee at its meeting of the 18 July 2018 agreed a revised draft policy to be offered for public consultation and is now asked to consider responses received and agree a final policy and recommend its adoption to Full Council.

##### RECOMMENDATION(S)

It is recommended that Members agree:

- a) The final draft Statement of Gambling Policy attached to this report which includes any amendments thought necessary to the policy after consideration of the consultation responses received;
- b) That the Chairman of the Licensing Committee recommends this final draft of the revised policy to Full Council for adoption by the Council at its meeting of the 22 January 2019 and its publication in accordance with the timetable previously agreed by Members at their meeting of the 18 July 2018;
- c) That any future amendments to the revised adopted and published policy that are minor or administrative only in nature can be delegated to the Head of Customer and Commercial Services and the Licensing Manager in consultation with the Chairman and/or the Vice Chairman 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, Gaming and Amusements industries in our District provide 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, St Osyth, Brightlingsea and Walton on the Naze; they also provide traditional indoor leisure attractions and facilities for many 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.

## **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.

## **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 draft policy agreed by Members at their meeting of the 18 July 2018 has been subject to open public consultation and scrutiny 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 was also 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**

The revised draft policy agreed by Members at their meeting of the 18 July 2018 was open to public consultation and scrutiny for a period of twelve weeks from the 1 August to the 24 October 2018. The consultation encompassed and engaged a large and 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 revised draft policy. A list of those groups, agencies, authorities, organisations and businesses who were written to and invited to comment is shown on page 25 of the revised draft policy.

## **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 framework 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 approach has also enabled the development of a robust and practical policy through partnership working in respect of how the Gambling Act 2005 will be administered and how compliance is managed for applicants and licence and permit holders alike.

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

#### **CURRENT POSITION**

The Licensing and Registration Committee is asked to review and agree the proposed revised draft of the Council's Statement of Gambling Policy as attached as **APPENDIX A**

to this report following its public consultation and take into consideration the responses and specific points received to that consultation where Members may consider it to be appropriate to do so.

There were five letters received in response to the consultation which were from Hough & Bollard Ltd, GamCare, The Salvation Army, William Hill and Gosschalks. These responses are attached in full to this report as **APPENDIX B**.

The Licensing Manager has replied to these representations and the points they have raised and has advised that their submissions will be presented in full to Members as part of this report.

**These amendments have provisionally been incorporated into the proposed final draft of the policy subject to the agreement of the Licensing and Registration Committee.**

The Licensing and Registration Committee is therefore asked to consider the final draft of the Council's Statement of Gambling Policy in light of the consultation responses that have been received and agree a final policy to be recommended to Full Council for its adoption at its meeting on the 22 January 2019.

<b>BACKGROUND PAPERS FOR THE DECISION</b>
None

<b>APPENDICES</b>
<b>Appendix A</b> - <b>Draft Gambling Policy</b>
<b>Appendix B</b> - <b>Consultation Responses</b>

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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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<u>Section</u>	<u>Contents</u>	<u>Page No*</u>
<b><u>PART A</u></b>		
1.0	Introduction	5
2.0	The Licensing Objectives	5
3.0	Description of the District	5-6
4.0	Responsibilities under the Act	6
5.0	Statement of Licensing Policy	7
6.0	Consultation	7-8
7.0	Approval of Policy	8
8.0	Declaration	8
9.0	Responsible Authorities	9
10.0	Interested Parties	9-10
11.0	Exchange of Information	10-11
12.0	Public Register	11
13.0	Compliance and Enforcement	11-12
<b><u>PART B - PREMISES LICENCES</u></b>		
14.0	Delegation of Powers	13
15.0	General Principles	13-18
16.0	Provisional Statements	18
17.0	Representations and Reviews	18
18.0	Adult Gaming Centres	18
19.0	(Licensed) Family Entertainment Centres	19
20.0	Casinos	19
21.0	Bingo Premises	19
22.0	Betting Premises	20
23.0	Tracks	20
24.0	Travelling Fairs	20
<b><u>PART C - PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS</u></b>		
25.0	General	21
26.0	Unlicensed Family Entertainment Centre Gaming Permits	21
27.0	(Alcohol) Licensed Premises Gaming Machine Permits	21-22
28.0	Prize Gaming Permits	22
29.0	Club Gaming and Club Machine Permits	22
30.0	Temporary Use Notices	22-23
31.0	Occasional Use Notices	23
32.0	Small Society Lotteries	23
38.0	Useful Contacts from Gambling Commission Website	23

<u>Section</u>	<u>Contents</u>	<u>Page No*</u>
<b><u>ANNEXES</u></b>		
6.1	Annex 'A' List of Consultees	24
9.1	Annex 'B' List of Responsible Authorities	25-26
33.0	Annex 'C' Definitions	28-33
34.0	Annex 'D' Temporary Use Notices/How to Make a Representation	34
35.0	Annex 'E' Table of Delegations of Licensing	35
36.0	Annex 'F' Application Process Bingo, Betting, Arcades [Adult Gaming Centres and Licensed Family Entertainment Centres - New Licences/Permissions Tracks Betting Machines Gaming Machine and Repair Gaming Machines in Licensed Premises Temporary Use Notices Occasional Use Notices Premises Licences Flow Chart Gaming Permits Gaming Machines - Classes Alcohol-Licensed Premises Members' Clubs: New Permits/Trans. Arrangements Other Premises Unlicensed Family Entertainment Centres Prize Gaming: New Permits Prize Gaming without a Permit Travelling Fairs Alcohol Licensed Premises - Flow Chart Members' Clubs - Flow Chart Unlicensed Family Entertainment Centre - Flow Chart Prize Gaming Permit - Flow Chart Lotteries/New Registrations etc. External Lottery Managers Small Society Lotteries - Flow Chart	36 36 36 36 36 36-37 37 37 37-39 39-40 40 41 42 43 43-44 45-46 46 46 47 47 47 48 49 50 51 52-53 53 54
37.0	Annex 'G' Fees	55

## **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 22 January 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 upon request 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
- *Association of British Bookmakers – Reading Council*

## **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 (*if they feel the Licensing Objectives may not be met*); 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 *and supervised* 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. *Advice should be sought from the Licensing Authority when erecting privacy screens, and subsequent plans detailing said screens be submitted to the Licensing Authority. Where an existing licensee adds 'privacy screens' a variation application may 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 by gambling and will expect the applicant to satisfy

the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only 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="703 1003 1378 1341"> <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																										
B2	£100	£500																										
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

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE

AFTER 1 SEPTEMBER 2007

1. Attach required documentation
2. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

## **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



## Public Affairs & Social Policy Unit

Mr Ian Geary  
Public Affairs Adviser

Tel: 0207 367 4558  
Mob: 07726 695 331  
Email: [ian.geary@salvationarmy.org.uk](mailto:ian.geary@salvationarmy.org.uk)

Date: 24 October 2018  
Ref: IG24102018

Emma King  
Licensing Officer  
Licensing Team  
Tendring District Council  
88-90 Pier Avenue  
Clacton on Sea  
Essex  
CO15 1TN

### **The Salvation Army response to Tendring District Council on their Gambling Licensing Policy Statement**

The Salvation Army is an international Christian church working in 131 countries worldwide. As a registered charity, The Salvation Army demonstrates its Christian principles through social action and is one of the largest, most diverse providers of social welfare in the UK.

The Salvation Army has worked closely on the issue of gambling policy with the Department of Culture Media and Sport and subsequently with the Gambling Commission over several years. We are particularly concerned that the current trend towards the societal normalisation of gambling could lead to an increase in the number of people experiencing the highly damaging consequences of problem or pathological gambling, either directly or indirectly.

The Salvation Army has a long history of working with those whose lives are damaged by addictions, most notably to alcohol and drugs, and a number of those with whom we work also cite gambling among their addictions. We work with faith-based groups who have been working together on gambling for some years. Together we represent The Methodist Church, CARE, the Evangelical Alliance, The Mission and Public Affairs Council of the Church of England and Quaker Action on Alcohol and Drugs.

Along with our ecumenical colleagues, we gave evidence to the Joint Committee that scrutinised the Bill which became the Gambling Act of 2005, as well as to the Culture, Media and Sport Select Committee that sat in 2011/12, and we have interfaced with politicians with from all parties throughout this time. Furthermore, we, alongside our ecumenical colleagues, engaged in the DCMS Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures. We view gambling as a socially harmful industry and that the proliferation of FOBT gaming machines has been a wholly unwelcome development. We were thus delighted by the announcement in May 2018 to limit FOBT stakes announcement and also deeply disappointed by the recent delay its implementation.

The Salvation Army appreciates the invitation to respond to this consultation process and commends Tendring District Council for the general form and content of the Gambling Licensing Policy Statement. Our detailed comments are:

101 Newington Causeway, London SE1 6BN  
0207 367 4500 Web: [www.salvationarmy.org.uk](http://www.salvationarmy.org.uk)

The Salvation Army registered Charity No. 214779 and in Scotland SC009359; Social Trust Registered Charity No. 215174 and in Scotland SC037691  
Republic of Ireland Registered Charity No. CHY6399; Guernsey Registered Charity No. CH318; Jersey NPO0840; Isle of Man Registered Charity No. 267  
The Salvation Army Trustee Company, registered number 00259322 (England and Wales). Registered office: 101 Newington Causeway, London SE1 6BN  
General: Brian Peddle Territorial Commander for the United Kingdom with the Republic of Ireland: Commissioner Anthony Cotterill

- We warmly welcome the reference to the Salvation Army as a consultee in Annex A. The Salvation Army has commended councils who include local charities, faith groups, community groups and medical and health providers in their list of interested parties. These groups often have to bear the social cost of problem gambling.
- The Salvation Army believes that gambling premises should not be sited close to schools or other establishments attended by children or vulnerable adults. We also believe that residential areas that have a high number of children ought to be avoided. We welcome the Council's comments in (1.1), (2.1), (9.2), (15.8), (15.11), (15.12), (15.13), (15.16), 15.20 (15.23), (20.3), (22.25), (26.3), (27.4), (28.1) that note the need to protect children and vulnerable persons
- We welcome under section (15.16) the Council's commitment to give consideration to preventing Gambling from becoming a source of crime or disorder and protecting children and other vulnerable persons from harm or exploitation.
- In pursuance of protecting the vulnerable, The Salvation Army welcomes arrangements such as:
  - The provision of adequate signage and adequate division of premises. We also welcome high levels of supervision over machine areas and proof of age schemes (15.17)
  - Stringent door controls to ensure that children are not allowed to gamble and would recommend that door supervisors are made compulsory at gambling venues and that all door supervisors are DBS checked.
  - The Salvation Army encourages all councils to consider insisting on DBS checks on all gambling premises staff as well as specialist training on dealing with underage children and vulnerable persons for both FECs and AGCs. We are opposed to advertising that could influence children and would support restrictions on advertising that could be seen by or be targeted towards young people.
- The Salvation Army pays special attention to the size, division, design and layout of premises. Separation of licensed premises is crucial to ensure that 'drift' does not occur and customers make a 'dedicated trip to gamble'. Ambient gambling is encouraged by insufficient delineation between gambling premises and other forms of entertainment. We welcome the reference to the physical separation of areas in (15.17)
- The Salvation Army has placed on record its concerns regarding the negative impact of FOBT machines and their location in disadvantaged areas. Therefore, we note the concerns detailed in (15.11) with reference to the local risk assessment
- The risks associated with gambling are increased with 'ambient' gambling. If someone does choose to gamble making a dedicated trip to gamble with a predefined budget and timescale offers greater opportunities for self- control. Casual or ambient gambling arrived at through 'drift' does not.
- We support measures that help ensure a solid separation of premises so that people do not 'drift' into a gambling area from another area that is not. There should be an explicit goal of separating gambling areas so as to avoid 'drift' toward gambling activity for example inside shared entertainment complexes. We note this is acknowledged in principle in (15.5)
- The Salvation Army recommends that ATMs should not be sited inside licensed premises. If the Council does allow this to occur, our advice would be that ATMs would be sited in designated 'non gambling areas' or 'chill-out zones'. This would encourage breaks in play

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when gambling and a reminder of how much is being spent. Both of these would act as protection against compulsive patterns of behaviour.

- We note that in (20.1) Tendring District Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005. Where Local Authorities do pass such motions we express our support. We are confident that the social costs of casinos outweigh claims of regenerative benefit.

Thank you for taking our response into account. Please do not hesitate to contact me should you have any comment or queries, or if you require any further input from The Salvation Army.

Yours sincerely,



Ian Geary  
Public Affairs Adviser  
The Salvation Army

CC Lee Ball, Territorial Addictions Officer, The Salvation Army

Clacton Corps - Major Barry and Major Maria Sampson  
Harwich Corps - Lieutenant Caron and Lieutenant Jon Doyle

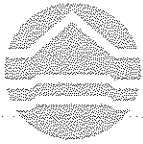
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**GOSSCHALKS**  
SOLICITORS

BY EMAIL ONLY  
Licensing Department  
Tendring District Council

Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
Email: rjt@gosschalks.co.uk  
Our ref: RJT / MJM / 097505.00005  
#GS2225681  
Your ref:  
Date: 23 October 2018

Dear Sir/Madam,

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

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

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

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

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

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

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

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

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

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

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

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry had already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

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

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

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

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### Considerations specific to the Draft Gambling Licensing Policy Statement 2019 - 2022

Paragraph 4.1 of Part A indicates that 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. This is incorrect. An application for a premises licence may be made where an applicant has an operating licence pending. The premises licence cannot be issued until such time as that operating licence is granted. Accordingly, this section should be amended.

Paragraph 13.7 lists Primary Authority Schemes in place. The ABB, on behalf of its members has its own Primary Authority Scheme with Reading Council.

Paragraph 15.11 of Part B contains a list of bullet points detailing matters that the Licensing Authority expects a local risk assessment to consider as a minimum. This list of bullet points should be re-drafted as it contains matters that are not relevant to any assessment of risk to the licensing objectives. For example, the first bullet point refers to whether the premises is in an area of deprivation. The relevant affluence of an area can have no bearing on any assessment of risk to the licensing objectives unless the Licensing Authority has pre-determined that persons in that area are automatically vulnerable or more likely to commit crime as a result of gambling. Similarly, the ethnic profile of residents in the area is an irrelevant consideration unless the Licensing Authority pre-determined that persons in specific ethnic groups are automatically vulnerable or more like to commit crime as a result of gambling. This list of bullet points should be re-drafted to contain matters that are relevant to an assessment of risk to the licensing objectives and nothing further.

Paragraph 22.5 and 22.6 refer to fixed odds betting terminals (FOBT's) in betting premises. Paragraph 22.5 indicates that the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences which may include minimum staffing levels. An operator of a betting premises licence is best placed to determine both risks to the licensing

objectives and staffing levels at his/her/its own premises and unless there is clear evidence of a risk to the licensing objectives that would require conditions relating to minimum staffing levels then this is not an area where the Licensing Authority should seek to dictate staffing levels.

The following paragraph refers to privacy screens around FOBT's and requires that where privacy screens are to be installed, a variation application is required. The purpose of a privacy screen is to enhance the customer experience as many customers prefer to play FOBT's without the possibility of people looking over their shoulder. The ABB has engaged with the Gambling Commission over these privacy screens and the general view is that there is no difficulty with them as long as the screens do not impede supervision.

Previous guidance from the DCMS and the Gambling Commission has been that an application for variation will only be required where there are material changes to the layout of the premises. It is accepted that what constitutes a material change could be a matter for local determination but on the basis that a privacy screen does not change layout or impede supervision, it is difficult to see how the installation of such a screen could be considered a material change.

The Gambling Commission Guidance is clear that when considering an application for variation, the Licensing Authority will have regard to the principles S153 Gambling Act 2005. These are not adversely affected by the installation of a screen which does not affect supervision and it is submitted, therefore, that an application for variation of the premises licence should not be required where these screens are installed. Accordingly this section should be re-drafted.

## Conclusion

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

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



**GOSSCHALKS**

**Emma King**

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**From:** Catherine Sweet <catherine.sweet@gamcare.org.uk>  
**Sent:** 09 August 2018 11:05  
**To:** Licensing Section  
**Cc:** Emma King  
**Subject:** RE: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF GAMBLING POLICY  
**Attachments:** GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are



measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**  
T: 020 7801 7028  
E: [catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)



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**From:** Emma King <[eking@tendringdc.gov.uk](mailto:eking@tendringdc.gov.uk)>  
**Sent:** 30 July 2018 10:52  
**To:** Emma King <[eking@tendringdc.gov.uk](mailto:eking@tendringdc.gov.uk)>  
**Subject:** GAMBLING ACT 2005 – REVIEW OF STATEMENT OF GAMBLING POLICY

**This Message originated outside your organization.**

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Dear Sir/Madam

In accordance with the provisions of the Gambling Act 2005, the Council as the Licensing Authority is required to review its Statement of Gambling Policy every three years and consult with Chief Officer of Police, one or more persons who represent the interests of persons carrying on gambling businesses in the Tendring District and one or more persons who represent the interests of persons likely to be affected by the exercise of the Licensing Authority's functions under this Act.

The revised policy will run for three years from January 2019 to January 2022 subject to any administrative or legislative amendments that are necessary to be made to it from Central Government or the Gambling Commission.

I am therefore writing to invite you to comment on the proposed draft of the revised policy which has been approved for consultation by the Council's Licensing and Registration Committee at its meeting of the 18 July 2018. **The consultation period will run from the 1 August to the 24 October 2018.** In particular the Council would welcome any thoughts or views that you may have on how the policy may lawfully be improved to support and promote the licensing objectives under the Act which are:

- 1) Preventing gambling from being a source of crime and 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; and**
- 3) Protecting children and other vulnerable people from being harmed or exploited by gaming.**

All written responses will be shown to the Members of the Council's Licensing & Registration Committee for their consideration.

The Policy can be viewed or downloaded from the attached document and comments can be submitted via e-mail to [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

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I very much hope that you will be able to reply to this invitation and in the meantime thank you for the time that you have taken to read this e-mail.

**Emma King**

**Licensing Officer**

Licensing Team | Customer & Commercial Services | Tendring District Council

☎ 01255 686592 7 01255 686343 ✉ [eking@tendringdc.gov.uk](mailto:eking@tendringdc.gov.uk)

🌐 [Licensing Website](#) 🌐 [Licensing Public Register](#)

📍 Licensing Section, Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN

Please note that the Licensing Office is now located at 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN  
Open Reception times are Tuesdays and Wednesdays between 10am and 12 noon and Fridays 1pm till 4pm.  
All other times are by appointment only.

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Tendring District Council does not accept service of legal documents by e-mail.

**Emma King**

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**From:** Debbie Hough Bollard <debbie@houghandbollard.co.uk>  
**Sent:** 02 August 2018 17:14  
**To:** Licensing Section  
**Subject:** Consultation on Review of Statement of Gambling Policy

**Categories:** Emma

Emma

Thanks for sending me a copy of the proposed Statement for 2019 - 2022 which I have had a read through.

My only comment would be around the Local Risk Assessment which the document refers to a number of times and what it is expected to contain. However, whilst its is a licensing condition under the LCCPS and so obligatory for Operators to carry out a local risk assessment for each site the LCCPs say its only best practice to submit a copy with an application for a premises licence. I cannot specifically see any express requirement in the Statement that a copy should be included with an application and you may therefore wish to consider formally making this part of the application process as some other local authorities are now doing.

I am aware of a number of Representations against premises licence applications being made by an organisation with a large number of arcades across the country. They mainly relate to whether the applicant has demonstrated how they will uphold the licensing objectives which are referred to in the Statement and the Commission's guidance to Local Authorities. One way of covering that off is via a well written Local Risk Assessment which should address those points.

Kind Regards

Debbie Hough Bollard BA (Hons) Assoc CIPD  
HR & Licensing Consultancy

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## LICENSING AND REGISTRATION COMMITTEE

7 NOVEMBER 2018

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

**A.3 Hackney Carriage and Private Hire Vehicle Licensing – Reduction in Licence Fee For Environmentally Friendly (Lower Emission) Vehicles**  
(Report prepared by Emma King)

#### PART 1 – KEY INFORMATION

<b>PURPOSE OF THE REPORT</b>
The Licensing and Registration Committee is asked to consider whether it is reasonable to allow a reduced annual licence fee to be charged in respect of lower emission vehicles and, if so, agree that this review should be subject to public consultation and scrutiny.

<b>EXECUTIVE SUMMARY</b>
The Licensing Committee is asked to consider and determine a request submitted by Mr Colin Bennet, for the Council to consider a reduced annual licence fee to be charged, as an incentive to help contribute towards reducing greenhouse gas emission and air pollution on our roads.

<b>RECOMMENDATION(S)</b>
<p><b>(a) Members are asked to give their view as to whether they consider it appropriate to encourage greater use of environmentally friendly (lower emission) vehicles as Hackney Carriages and Private Hire Vehicles, by introducing a reduced licence fee for these vehicles.</b></p> <p><b>(b) If Members agree with (a) above, public consultation is undertaken over a 28 day period, and the results reported back to Members for a definitive decision at the next scheduled meeting.</b></p>

#### PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>
A reduction in fee for the licensing of lower emission vehicles as Hackney Carriage and Private Hire Vehicles, would help to support and promote an improved quality living environment, by contributing towards reducing greenhouse gas emissions and air pollution on our roads; and by supporting the business growth of the taxi trade in the District which as a trade sustains large direct and indirect employment.

**FINANCE, OTHER RESOURCES AND RISK****Finance and other resources**

Should a decision be made to allow a reduced fee to be charged for the licensing of environmentally friendly (lower emission) vehicles as Hackney Carriages and Private Hire Vehicles, an assessment would likely need to be made on the impact on the licensing budget. Also, any proposed adjustments to be made to the licensing fees for certain vehicle types would need to be advertised under statutory procedures, the cost of which can be met from within the Hackney Carriage revenue budget for 2018/2019.

**Risk**

A disadvantage to lower emission vehicles technology is linked to the manufacturing and ultimately disposal of the vehicles' batteries which are costly in terms of energy and the processes needed to produce them; they also contain substances that are harmful to the environment which have to be disposed of by specialists in that field.

**LEGAL**

The action proposed is within the Council's discretionary powers.

**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.

**AREA/WARDS AFFECTED**

All wards

**CONSULTATION**

The initial consultation for the proposed reduction in fee will be advertised in the local press for the statutory 28 days and existing licence holders will be consulted with to gain their perspective on the proposal.

**PART 3 – SUPPORTING INFORMATION****BACKGROUND**

Since the last revision of the licence fees for Hackney Carriage and Private Hire vehicles (13 Dec 2013), hybrid and electric vehicles have come to the market. Advantages of these environmentally friendly vehicles include low road tax, improved air quality and noise levels, no emissions when an electric motor is in use, and additional miles per gallon with newer kinetic energy versions which in effect charge the electric motor whilst the vehicle is in motion, storing any excess energy for later use.

Whilst all environmentally friendly vehicles offer lower emissions, the Government Department for Transport has argued that meeting UK climate goals will require the almost complete "de-carbonisation" of road transport, and is promoting the increased adoption of next generation 'ultra-low emission' technologies.

As Hackney Carriage and Private Hire vehicles operate much of the time in busy town centres and urban areas, it could be argued that using such technology may reduce the amount of fuel used compared to conventional vehicles, thus leaving a smaller “carbon footprint”. Efficient use of the power sources provided by this type of vehicle gives better than normal performance.

The annual licence fee is currently £334 for a one year licence for all vehicle types. Members may wish to consider what they determine is a suitable reduction in fee should they decide to grant this option.

The current licence fee of £334 takes into consideration the cost of two mechanical tests per year (£55 per test), the costs to supply the required plate and brackets (£18), the printing and stationery costs (approx. £101) and the number of Officer hours to produce the licence (£105). The amount of work undertaken will not differ from between a standard vehicle and a lower emissions vehicle.

The Council’s Workshop which carries out the mechanical tests have confirmed that there would no difference in how the vehicles would be tested.

Members may now wish to consider whether it is reasonable to allow a reduced annual licence fee to be charged in respect of lower emission vehicles. Should members be minded to allow a reduced fee, Officers consider that it would be reasonable to allow a lower fee to apply to vehicles with a co2 emission reading of not greater than 110. This approach would potentially encompass the majority of the lower emission vehicles available on the market.

#### **CURRENT POSITION**

There is nothing in the legislation governing the licensing of Hackney Carriage and Private Hire vehicles that restricts the use of hybrid or other lower emission vehicles for such purpose. There are currently two lower emission vehicles licensed with this Authority, namely a Toyota Prius and a Hyundai Ioniq.

Research conducted by Officers show that in the Tendring District there is currently 1 charging point for electric vehicles on public land; this is located in the High Street car park, Clacton on Sea. There are 4 other locations throughout the district, however these are private car parks and permission may be required from the land owner before the charging point can be used. There is a proposed site at Harwich Quay for a further charging point with one dedicated charging bay. However, the charger itself has the capability of charging up to four vehicles at a time.

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

None

#### **APPENDICES**

Letter from Mr Colin Bennet

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Essex,

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07899. 334. 836  
Email: colin.bennett13@  
cheerful.com

CO4. 30J  
25. 7. 18 =

" All Electric H/c.

Dear licencing, I am interested in buying a Nissan leaf, (all electric) and have found out some very interesting facts, re costs, and savings ect. In the interests of 'Zero' emissions, and a greener environment, I would like to ask the licencing committee at their next convenient meeting to discuss the incentives of a all electric taxi within the (T. D. C) perhaps relating to a reduction in licence fee (PA). Many thanks for your time.

Yours Sincerely  
Mr C. L. Bennett

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