



## LICENSING AND REGISTRATION COMMITTEE

# AGENDA

**DATE:** Thursday, 14 October 2021

**TIME:** 7.30 pm

**VENUE:** Council Chamber - Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

Councillor Winfield (Chairman)  
Councillor V Guglielmi (Vice-Chairman)  
Councillor Casey  
Councillor Clifton  
Councillor Coley

Councillor Davis  
Councillor J Henderson  
Councillor McWilliams  
Councillor Skeels

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For further details and general enquiries about this meeting, contact Keith Durran Email: [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or telephone on 01255 686585.

DATE OF PUBLICATION: Wednesday, 6 October 2021

## **AGENDA**

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

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

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

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Wednesday 6 November 2019.

### **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 38**

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 Miscellaneous Licensing Sub-Committee (Pages 5 - 16)**

The Committee will formally receive and note, for its information only, the Minutes of the meetings of the Miscellaneous Licensing Sub-Committee held on 18 December 2019, 28 February 2020, 6 July 2020, 9 December 2020, 7 June 2021 and 13 August 2021.

### **6 Premises/Personal Licences Sub-Committee (Pages 17 - 98)**

The Committee will formally receive and note, for its information only, the Minutes of the following meetings of the Premises/Personal Licences Sub-Committee held on 7 November 2019, 13 January 2020, 28 February 2020, 10 March 2020, 22 April 2020, 16 October 2020, 20 October 2020, 4 November 2020, 3 December 2020, 12 February 2021, 14 June 2021, 13 August 2021 and 19 August 2021.

### **7 Report of the Corporate Director (Operations & Delivery) - A.1 - Hackney Carriage Fares (Pages 99 - 108)**

To consider a letter from the Tendring Taximeter Forum requesting both an increase in the scale of fares, and a change in distance for which the fare is calculated that is currently operative within the District, which was received on 9 August 2021.

### **8 Report of the Corporate Director (Operations & Delivery) - A.2 - Review of the Council's Draft Statement of Gambling Policy for Public Consultation (Pages 109 - 150)**

To request that the Committee review and agree the draft revision of the Council's Statement of Gambling Policy which will run for three years from the 31 January 2022 following public consultation, consideration by Cabinet and adoption by the Full Council.

**9      Exclusion of Press and Public**

The Committee is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.”

**10     Miscellaneous Licensing Sub-Committee - Exempt Minutes (Pages 151 - 180)**

The Committee will formally receive and note, for its information only, the exempt minutes of the meetings of the Miscellaneous Licensing Sub-Committee held on 18 December 2019, 28 February 2020, 6 July 2020, 9 December 2020, 7 June 2021 and 13 August 2021.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Licensing and Registration Committee will be arranged in due course..*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION  
COMMITTEE,  
HELD ON WEDNESDAY, 6TH NOVEMBER, 2019 AT 7.30 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Winfield (Chairman), V Guglielmi (Vice-Chairman), Casey, Coley, Davis, J Henderson, Knowles (Minutes 96-98 only) and Skeels
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Richard Eastwood (Safer Communities Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**87. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

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

**88. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Committee held on 10 April 2019 were approved as a correct record and signed by the Chairman.

**89. DECLARATIONS OF INTEREST**

There were none.

**90. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none.

**91. MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE HELD ON 7 JUNE 2019**

The Committee received and noted, for information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 7 June 2019.

**92. MINUTES OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE HELD ON 9 SEPTEMBER 2019**

The Committee received and noted, for information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 9 September 2019.

**93. MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE HELD ON 2 APRIL 2019**

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 2 April 2019.

**94. MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE HELD ON 30 MAY 2019**

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 30 May 2019.

**95. A.1 APPLICATIONS APPROVED UNDER DELEGATED POWERS**

The Committee noted the contents of a report (A.1) on the number of applications approved under delegated powers as at 24 October 2019.

**96. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) A.2 - CHILD SEXUAL EXPLOITATION (CSE) TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS**

The Committee had before it a report (A.2) which requested that the Licensing and Registration Committee agree that Child Sexual Exploitation (CSE) training should become a mandatory condition on the Hackney Carriage and Private Hire driver and operator licences for existing and new drivers and operators.

This request had been considered at the last Licensing and Registration Committee held on 10 April 2019. Minute 84 of that meeting stated, "It was therefore moved by Councillor Amos, seconded by Councillor Winfield and unanimously **RESOLVED** that –

- (a) the Committee agrees, in principle, to the requirement of Hackney Carriage and Private Hire drivers and operators completing CSE training, as a mandatory condition on the Hackney Carriage and Private Hire driver and operator licences for existing and new drivers and operators.
- (b) The Licensing Manager be authorised to undertake external consultation over a 28 day period, and to report the results of such consultation to the next scheduled meeting of the Committee for its final decision."

The Licensing Manager confirmed that no representations had been received as a result of the public consultation period.

As the membership of the Committee was new and it had not met since April, the Licensing Manager gave a brief overview of the matter for Members' information.

Richard Eastwood, the Council's Safer Communities Officer also attended the meeting and briefed Members about the partial funding that had been secured in order to purchase the training package.

Members then asked questions of the Licensing Manager regarding what the training included, particularly as to whether it included a module on Modern Day Slavery. The Licensing Manager explained that the current training module did not include this at the present time but explained that Barnardo's were updating the training package and that this could be included in the future at no further cost to the Council.

The Licensing Manager explained that other Authorities within Essex, such as Rochford, Castle Point, Brentwood and Thurrock Councils had introduced this training package and that Colchester Borough Council were in the process of introducing a CSE training package. Councillor V Guglielmi enquired as to whether Ipswich Borough Council were using the training as Manningtree was close to the border with Suffolk and the Licensing Manager said that she was only aware of Essex Authorities, but that by the Council adopting this mandatory training it was hoped that this would encourage other authorities to adopt it as well.

The Licensing Manager was asked how long had been allowed for all taxi drivers and operators to undertake the training and she said that six months had been allowed once all of the required funding and training package was in place.

It was therefore moved by Councillor V Guglielmi, seconded by Councillor Skeels and unanimously **RESOLVED** that once funding is finalised, CSE training will be implemented for all Hackney Carriage/Private Hire Drivers and Operators.

**97. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

**98. EXEMPT MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE HELD ON 9 SEPTEMBER 2019**

The Committee received and noted, for information only, the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 9 September 2019.

The meeting was declared closed at 7.55 pm

**Chairman**

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON WEDNESDAY, 18TH DECEMBER, 2019 AT 10.00 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors V Guglielmi (Chairman), Casey, Davis, J Henderson and Skeels
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager) and Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**17. ELECTION OF VICE-CHAIRMAN OF THE SUB-COMMITTEE**

It was moved by Councillor Henderson, seconded by Councillor Casey and:

**RESOLVED** – That Councillor Skeels be elected Vice-Chairman for the remainder of the 2019/20 Municipal Year.

**18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**19. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Sub-Committee held on 9 September 2019, were approved as a correct record and signed by the Chairman.

**20. DECLARATIONS OF INTEREST**

Councillor Henderson declared an interest in that she did use taxi companies in Harwich, but that she was not related to any of the drivers.

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

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage/Private Hire drivers, vehicles and operators, licensed by the Council as at 29 November 2019, which was submitted for information only.

**22. EXCLUSION OF PRESS AND PUBLIC**

It was moved and seconded, and:-

**RESOLVED** – That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

- (a) Exempt minutes of the Miscellaneous Licensing Sub-Committee held on 9 September 2019.
- (b) B.1 – Applications for the grant, renewal and review of Hackney Carriage/Private Hire Drivers' Licences.

**23. EXEMPT MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE**

The exempt minutes of the last meeting of the Sub-Committee held on 9 September 2019, were approved as a correct record and signed by the Chairman.

**24. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.1. APPLICATION FOR THE GRANT AND RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES AND THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCE**

The Sub-Committee reviewed named individual's applications for the grant, renewal and review of Hackney Carriage Driver's Licences. The Sub-Committee's resolutions are detailed in the exempt minute of this meeting.

The meeting was declared closed at 11.38 am

**Chairman**

# Public Document Pack

Miscellaneous Licensing Sub-Committee

28 February 2020

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON FRIDAY, 28TH FEBRUARY, 2020 AT 10.00 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors V Guglielmi (Chairman), Casey, Davis and Turner
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**25. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Henderson (with no substitute) and Skeels (with Councillor Turner as a substitute).

**26. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Sub-Committee were approved as a correct record and signed by the Chairman.

**27. DECLARATIONS OF INTEREST**

There were none.

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

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage/Private Hire drivers, vehicles and operators, licensed by the Council as at 7 February 2020, which was submitted for information only.

**29. EXCLUSION OF PRESS AND PUBLIC**

It was moved and seconded, and:-

**RESOLVED** - That under Schedule 100a(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

- (a) Exempt minutes of the Miscellaneous Licensing Sub-Committee held on 18 December 2019.
- (b) B.1 – Application for the grant of a Hackney Carriage/Private Hire Drivers' Licence.

30. **EXEMPT MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE**

The exempt minutes of the last meeting of the Sub-Committee held on 18 December 2019, were approved as a correct record and signed by the Chairman.

31. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.1 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE**

The Sub-Committee reviewed a named individual's application for the grant of a Hackney Carriage/Private Hire Drivers' Licence. The Sub-Committee's resolution is detailed in the exempt minute of this meeting.

The meeting was declared closed at 10.25 am

**Chairman**

# Public Document Pack

Miscellaneous Licensing Sub-Committee

6 July 2020

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON MONDAY, 6TH JULY, 2020 AT 10.00 AM  
IN THE MEETING WILL BE HELD IN ACCORDANCE WITH SI 2020/392. LINK TO  
LIVE STREAM IS FOUND HERE:  
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

<b>Present:</b>	Councillors V Guglielmi (Chairman), Casey, Davis, J Henderson and Turner
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**32. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Sub-Committee held on 28 February 2020 were approved as a correct record.

**33. DECLARATIONS OF INTEREST**

There were none.

**34. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Skeels with Councillor Turner substituting.

**35. REPORT OF THE ACTING CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1 HACKNEY CARRIAGE/PRIVATE HIRE LICENCES**

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage/Private Hire drivers, vehicles and operators, licensed by the Council as at 22 June 2020,

Due to technical difficulties with Skype4 Business the meeting adjourned at 10.15 a.m. and resumed at 11.52 a.m.

**36. EXCLUSION OF PRESS AND PUBLIC**

It was duly moved and seconded, and:-

**RESOLVED** – That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

- (a) Exempt Minutes of the Miscellaneous Licensing Sub-Committee meeting held on 28 February 2020; and

(b) Report of Acting Corporate Director (Operations and Delivery)

B.1 - Application for the Renewal of a Hackney Carriage/Private Hire Drivers' Licence.

**37. EXEMPT MINUTES OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE**

The exempt minutes of the last meeting of the Sub-Committee held on 28 February 2020 were approved as a correct record.

**38. REPORT OF ACTING CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - B.1 - APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee reviewed a named individual's application for the renewal of a Hackney Carriage/Private Hire Drivers' Licence. The Sub-Committee's resolution is detailed in the exempt minutes of this meeting.

The meeting was declared closed at 1.10 pm

**Chairman**

# Public Document Pack

Miscellaneous Licensing Sub-Committee

9 December 2020

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## MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE, HELD ON WEDNESDAY, 9TH DECEMBER, 2020 AT 10.00 AM

<b>Present:</b>	Councillors V Guglielmi (Chairman), Skeels (Vice-Chairman), Casey, Davis and J Henderson
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager) Keith Durran (Committee Services Officer) and Emma King (Licensing Officer)

### 39. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence.

### 40. **MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Sub-Committee held on 6 July 2021 were approved as a correct record.

### 41. **DECLARATIONS OF INTEREST**

There were none.

### 42. **REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY). - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENCES**

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage/Private Hire drivers, vehicles and operators, licensed by the Council as at 23 November 2020.

### 43. **EXCLUSION OF PRESS AND PUBLIC**

It was moved and seconded, and:-

**RESOLVED** - That under Schedule 100a(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

(a) Exempt minutes of the Miscellaneous Licensing Sub-Committee held on 18 December 2019.

(b) B.1 – Application for the grant of a Hackney Carriage/Private Hire Drivers' Licence.

### 44. **EXEMPT MINUTES OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE**

The exempt minutes of the last meeting of the Sub-Committee held on 6 July 2020 were approved as a correct record.

**45. REPORT OF ACTING CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) -  
B.1 - APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE/PRIVATE  
HIRE DRIVER'S LICENCE**

The Sub-Committee reviewed a named individual's application for the renewal of a Hackney Carriage/Private Hire Drivers' Licence. The Sub-Committee's resolution is detailed in the exempt minutes of this meeting.

The meeting was declared closed at 12.30 pm

**Chairman**



# Public Document Pack

Miscellaneous Licensing Sub-Committee

7 June 2021

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON MONDAY, 7TH JUNE, 2021 AT 10.00 AM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors V Guglielmi (Chairman), Coley (Vice-Chairman), Casey, Davis and J Henderson
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance), Michael Cook (Temporary Licensing Manager), Emma King (Licensing Officer), Emma Haward (Leadership Support Officer), Chloe Blackwell (Licensing Technical Officer).

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence.

**2. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Sub-Committee, held on 9 December 2020 were approved as a correct record.

It was recommended that the minutes of the last meeting on 6 July 2020 be amended due to the mistyping of '2021'.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) A.1  
HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**

The Sub-Committee noted the content of report A.1 Hackney Carriage/Private Hire drivers, vehicles and operators, licensed by the Council as at 21 May 2021.

**5. EXCLUSION OF PRESS AND PUBLIC**

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

**RESOLVED** - That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

(a) Exempt minutes of the Miscellaneous Licensing Sub-Committee held on 9 December 2019.

(b) Report of Corporate Director (Operations and Delivery) B.1 – Application for the Renewal of a Hackney Carriage/Private Hire Drivers' Licence.

6. **EXEMPT MINUTES OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE**

The exempt minutes of the last meeting of the Sub-Committee held on 9 December 2020 were approved as a correct record.

7. **REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) B.1 - APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee reviewed a named individual's application for the renewal of a Hackney Carriage/Private Hire Drivers' Licence. The Sub-Committee's resolution is detailed in the exempt minutes of this meeting.

The meeting was declared closed at 10:39am

**Chairman**

# Public Document Pack

Miscellaneous Licensing Sub-Committee

13 August 2021

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON FRIDAY, 13TH AUGUST, 2021 AT 10.00 AM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors V Guglielmi (Chairman), Coley (Vice-Chairman), Casey, Davis and J Henderson
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer) and Chloe Blackwell (Licensing Technical Officer)

**8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence and therefore no substitutions either.

**9. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Sub-Committee held on 7 June 2021 were approved as a correct record and signed by the Chairman.

**10. DECLARATIONS OF INTEREST**

There were none.

**11. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENCES**

The Sub-Committee noted the contents of Report A.1 which informed it of the number of Hackney Carriage/Private Hire Driver's Vehicles and Operators, licensed by the Council as at 2 August 2021.

**12. EXCLUSION OF PRESS AND PUBLIC**

It was moved and seconded, and:-

**RESOLVED** – That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:-

- (a) Exempt minutes of the Miscellaneous Licensing Sub-Committee held on 7 June 2021
- (b) Report of Corporate Director (Operations and Delivery) – B.1 Application for the Renewal of a Hackney Carriage/Private Hire Driver's Licence.
- (c) Report of Corporate Director (Operations and Delivery) – B.2 – Application for the Review of a Hackney Carriage/Private Hire Driver's Licence.

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**13. EXEMPT MINUTES OF THE LAST MEETING**

The exempt minutes of the meeting of the Sub-Committee held on 7 June 2021 were approved as a correct record and signed by the Chairman.

**14. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - B.1 - RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE**

**RESOLVED** that having considered the application, the named individual's licence be suspended until such time as a report from an Occupational Health Therapist can be obtained. The reasons for this suspension were as follows:-

*"Members are concerned at the lack of information regarding what the named individual can safely undertake and are concerned as much for the named individual as his passengers.*

*Members are also concerned about the failure to disclose the issues on his first application and again that the Doctor had stated that there were no issues. For these reasons it has been decided that there is a need for more information from an Occupational Health Therapist to establish what the named individual can do safely and what, if any, adjustments might need to be considered. Once the Council has received the Occupational Health Therapists report, for which the named individual will need to pay (the Council can provide details of Occupational Health Therapists) the Sub-Committee will then re-consider this renewal application for a licence and any possible exemption(s) under the relevant Regulations."*

**15. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - B.2 - REVIEW OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE**

**RESOLVED** that the named individual be granted a Licence on this occasion for one year.

The meeting was declared closed at 12.19 pm

**Chairman**

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON THURSDAY, 7TH NOVEMBER, 2019 AT 12.30 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors V Guglielmi, J Henderson, Winfield and Davis
<b>Also Present:</b>	Mr Deepak Patel (Applicant), Ms Alison Reed (Manager of The Plough Inn) and Mr Richard Porter (Applicant's Solicitor)
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**44. ELECTION OF CHAIRMAN FOR THE MEETING**

It was moved by Councillor Winfield, seconded by Councillor J Henderson and:

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

**45. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**46. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 30 May 2019 were approved as a correct record and signed by the Chairman.

**47. DECLARATIONS OF INTEREST**

There were none.

**48. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none.

**49. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - 19/0020/PREMTR - THE PLOUGH INN, PLOUGH ROAD, GREAT BENTLEY, CO7 8LA**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Mr Deepak Patel, his solicitor, Mr Richard Porter and Ms Alison Reed, the manager of the Plough Inn, and made introductory remarks.

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 variation of a Premises Licence for The Plough Inn, Plough Road, Great Bentley.

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

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

Section 3.0 of the written report set out the current licensable activities which were:-

Sale of alcohol on and off the premises

Performance of live music	
Fridays and Saturdays	2000 – 2300

Performance of recorded music	
Monday to Thursday	1000 – 0000
Fridays and Saturdays	1000 – 0100
Sunday	1200 – 0000

Provision of facilities for dancing	
Fridays and Saturdays	2000 – 0000

Sale of alcohol on and off the premises	
Monday to Thursday and Sunday	1000 – 0000
Fridays and Saturdays	1000 – 0100

The proposed licensable activities (Variation Application) are as follows:-

Performance of live music [inside and outside]	
Friday and Saturday	1400 – 0000
Sunday	1400 - 2100

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

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

The Council's Environmental Protection Team had been consulted and they had requested a Noise Management Plan (NMP) be submitted to them by the applicant. Members were provided with a copy of the NMP for their reference. Upon receipt and review of the initial NMP (pages 111-115), the Environmental Protection Team had formally objected to the variation application. However, upon receipt and evaluation of a revised NMP or Noise Impact Assessment carried out by Healthy Abode Ltd trading as HA Acoustics and dated 28 October 2019 (pages 81–110), they had stated that:-

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*“After evaluation of the recently submitted acoustic report dated 29th October 2019, the Environmental Protection team are satisfied that the levels of noise emitted from the site, can be mitigated and managed providing recommendations within the said report are implemented and maintained.*

*Physical mitigation by way of using a noise limiter (NL) – both live and recorded amplified music amps and speakers must be plugged into a NL. The level of the NL has been recommended (as outlined in sections 6.11 to 6.13 and point 8.4) to be set at approximately 82dB(A) to ensure the emitted noise levels fall within the scope of “No Observed Effect Level” ; the NL must be installed, calibrated and routinely maintained by a relevantly qualified operator.*

*Implementation of double doors (as outlined in 6.14.1) to further reduce sound emitting from the internal areas and the restriction of the use of the garden area (as outlined in 6.14.2) is also a recommendation that will assist in mitigating the concern over noise from this area within the late hours of the evening.*

*As a further precautionary measure, the erection of an acoustic fence along the perimeter of the premises, where noise sensitive receptors are located, will also assist in reducing the perceived sound by nearby residents.*

*Providing the above recommendations are met and sustained, the Environmental Protection Team have no reason to object to the proposed variation. Compliance with the recommendations should enable the applicant to comply with the licencing objective, under Part P (d), with the prevention of public nuisance, by way of minimising the impact the music will have on nearby residential premises.*

*Our response purely relates to the noise produced by the music, be it live or amplified and does not include mitigating noise generated by the patrons of the premises.”*

No representations had been received from any other Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman advised both the applicants and the objectors that she would allow 25 minutes for each party to give their representations. The Chairman then invited the Applicant's Representative, Mr Richard Porter to give representations to the Sub-Committee.

Mr Porter explained that there were three points to his representations:-

1. There was a general misconception about the extension of time – there was no application to change hours, it was still within the times of amplified music. The application was for live music up until Midnight
2. The objections could be met by having sensible conditions in place. He had seen the objections and would be putting forward a number of conditions which he felt could be met.

3. If the Sub-Committee refused the application the Licence would still be the same. If granted, the Sub-Committee could impose conditions upon the Licence which would hopefully go towards helping the concerns of the objections i.e. noise limiters/doors closed.

The Applicant, Mr Patel was then invited to address the Committee and read his Statement to the Sub-Committee which was also included within the Agenda (unsigned).

The Chairman asked if Members had any questions that they would like to ask Mr Patel.

Members asked why the noise limiters which had now been installed were not installed at the time of the extensive refurbishment, he had spent about £400,000 on the refurbishment. Mr Patel said that the extension was built to Building Regulations standards with extra insulation and double glazed doors. The noise limiter was installed after a Noise Management Plan had been commissioned. Mr Patel explained that he was not aware of any previous objections.

Mr Patel was asked why he had requested live music from 2.00 p.m. and he explained that they sometimes had a singer in the afternoons. He said that during the year there had only been two outside events, a charity event and the Great Bentley Carnival. Mr Patel was asked where the outside music would be and he stated at the rear of the pub. There was a single opening door at the front of the property and bi-fold doors at the rear.

Members queried the noise level of the music and it should be 38 decibels at nearby properties and 76 decibels when there was live music. Live music would only be in the garden on four occasions throughout the year.

Mr Patel had stated in his statement that he was troubled by some of the comments by objectors regarding the noise levels. He said that if he had had any complaints about noise then the music would be turned down. There had been a 50<sup>th</sup> birthday party and as he was concerned about the noise, he had got the entire party inside the public house.

Members asked Mr Patel how he would monitor the sound levels of live music acts and he advised that he had now purchased a noise monitoring device. Mr Patel also confirmed that air conditioning would be installed before next summer, 2020, that had been allowed for in the budget for the public house for February/March 2020 and this would mean that the doors would not need to be opened and reduce the sound levels.

Alison Reed, the Pub's Manager was then invited to address the Committee and read her Statement to the Sub-Committee which was included within the Agenda.

Mrs Reed explained that she lived above the premises. She went through her statement and said that there was no complaint about the level of noise on 21<sup>st</sup> June 2019 but she had been concerned herself about the noise levels and had not booked that particular band again.

Members asked Mrs Reed about her comment on page 72 of the Agenda regarding the fact that they were still learning and understanding and improving their systems as she



had worked in the pub before Mr Patel had taken it over and she said that although there had been live music there had not been a lot of customers and there had been no complaints about noise at that time.

Members were concerned about the fact that a number of objectors had mentioned the fact that the doors and windows were kept open which exacerbated the noise levels and she said that there were only windows at the front of the premises and those did not open. They were single glazed as the pub was Grade II listed. There were bi-fold doors at the back of the new extension.

Mr Porter, the applicant's representative handed to the Sub-Committee the Closing Submissions he had prepared and drew attention to paragraph 5 on the second page which confirmed, amongst other things, that there would be no more than 4 live music events to be held in the garden and parking area per calendar year as well as to the list of conditions that he suggested could be made if the variation to the Licence was granted starting at paragraph 10 (on the fourth page).

The objectors were then invited to address the Sub-Committee.

Councillor Lynda McWilliams advised that, as the local Ward Councillor, she would be speaking for a number of the objectors but that there were a number of other objectors who would like to speak to the Sub-Committee themselves.

Councillor McWilliams said that The Plough was central to the village. There were two points to the objections, namely the licensing objectives of Prevention of Public Nuisance and Protection of Children from Harm. The improvements to the Plough were appreciated by the village but that due to the changes, there were concerns about anti-social behaviour. The reports of noise were not just from nearby neighbours, some customers had actually left the pub as it was so loud in the Summer.

It was stated that the doors and windows were not closed at the times required.

With regards to the Licensing Objective of "Protection of Children from Harm", Councillor McWilliams said that nearby houses had children and the loud music and shouting and swearing was disturbing the children's sleep. Residents had to shut their doors and windows even in the hot weather.

She said that two incidents had been reported to the Police, an assault on 12<sup>th</sup> October and noise and fighting outside the pub on 19<sup>th</sup> October.

She said that the reason that people lived in the village was because it was quiet. She said that part of the proposed variation was for the rear garden and car park to be used for live music and this would only exacerbate the harm. She queried why the Noise Impact Assessment was carried out in October and not during the Summer months.

Mrs Sally Pollard, one of the objectors was then invited to address the Sub-Committee.

She stated that she lived directly behind The Plough and had lived there for three years. Her daughter has autism and sensory processing disorder. Although the pub had recently been quiet, during the Summer months the noise had been horrendous and they had dreaded the weekends. She explained that her daughter had a routine and

when people at the pub were shouting she could not sleep and this also affects her son. She explained that her daughter could not cope with loud noises and even using her soundproofing headphones the sound had affected her and she had “emotional meltdowns”.

She was particularly worried about bands playing music outside. She said that she should not have to take her daughter away from home because of a band playing outside. They had moved to Great Bentley for peace and quiet. Her daughter loved the village but could not cope with the loud noise.

The Chairman asked her whether the conditions proposed by the applicant would improve the situation and she said that she did not think that it would.

Mr Jason Pollard, was then invited to address the Sub-Committee.

He stated that the noise was so bad that they had considered moving away, they had only moved there 3 years ago because it offered the peace and quiet they needed. He asked when the acoustic fencing was going to be installed. He stated that he had complained to the pub but had been ignored. He said that if the noise levels were kept down and the conditions proposed were met then he considered that this would help the situation. He would be happy if the pub kept to the regulations as long as it did not affect him or his neighbours nearest to the pub, but in his view he felt that the regulations would not be upheld.

Mr Roger Adams, another objector was then invited to address the Sub-Committee.

He said that if all of the recommendations from the acoustic report were implemented then this would help to reduce the noise. He said that during the refurbishment the front of the pub had become a patio area. The front door was where most of the noise emanated from. He said that after checking, he was unsure as to whether the pub was Grade II listed. He said that the recommendation for double doors at the front of the premises would mitigate the noise.

Mr Fowler, another objector was then invited to address the Sub-Committee.

Mr Fowler lived immediately behind the pub, with his boundary next to the pub and he had lived there for 32 years. He had a swimming pool in his garden and he said that he could not use the pool area when the noise was bad. He understood that the extension was going to be a restaurant but the bar had been moved to the new area.

He queried why a good village pub was reliant on live music, he thought that it would remain as a pub with a restaurant but it was becoming more of a nightclub. He stated that when the noise was bad it was impossible to sleep in any of his bedrooms.

The Chairman then asked the Applicant's Representative, Mr Richard Porter if he wished to ask the Council's Environmental Protection Officer, Katie Wesley-Smith any questions and he said that he did.

Mr Porter then said that the recommendation in Katie Wesley-Smith's report regarding double doors at the front of the property could be a problem because of the status of the building, but said that a sound limiter would assist.

Katie Wesley-Smith said that she appreciated the comments regarding the doors, especially as most of the complaints related to noise from the rear of the property. She would therefore be happy to remove the recommendations for double doors from her report which was another factor that could assist with the noise issues

Mr Porter asked Mr Patel if he had any comments to make and he said that he could not agree to the recommendation for the double doors due to the status of the building. He also could not agree to the acoustic fencing as he stated that it would cost in the region of £4,000-£5,000 which was cost prohibitive.

Katie Wesley-Smith stated that she was happy with a noise limiter being installed but that the other recommendations in her report were for the Sub-Committee's consideration. Katie Wesley-Smith also stated that although the report refers to 82dbA that may need to change, depending upon when and where a noise limiter was installed, its direction, speaker type and effect.

The Chairman then asked Mr Porter and the objectors if they had any closing statements that they wished to make to the Sub-Committee.

Councillor McWilliams stated that the recommendation of the installation of acoustic fencing was interesting in that she felt it would help rather than hinder the situation, although it was unclear as to how the noise would be reduced.

Mr Porter said that it was not in his client's interests to fall out with his neighbours, he wanted a good relationship with the village. He said that the pub employed 13 people and provided facilities for the village with quiz nights etc., but that the pub needed to be financially viable. His client was not asking to extend amplified music as he was already licensed for this activity until 1.00 a.m on Fridays and Saturdays. The difference was he simply wanted an extra hour for live music on Fridays and Saturdays as the current license allowed live music until only 11.00pm.

He stated that if his client's application was approved new conditions could be attached to the licence but if it was refused then there would be no conditions upon the licence. He considered that his Client was putting forward constructive proposals.

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 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: 19/00523/PREMVA Application to Vary a Premises Licence in respect of The Plough Inn, Plough Road, Great Bentley

1. The Sub-Committee has given careful consideration to his 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 decision of the Sub-Committee is to **GRANT** this application in full, subject to the imposition of certain conditions.
3. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply in order to satisfy the relevant Licensing Objective, namely the prevention of public nuisance and the protection of children from harm.

In respect of the Licensing Objectives for The Prevention of Public Nuisance, in this case particularly noise emanating from the Plough on certain occasions and in relation to the protection of children from harm the conditions are taken from the document produced by the solicitor for the applicant headed "closing submissions" and provided to the Sub-Committee at the meeting on 7 November 2019 and to which reference should be made for further detail as that document, in particular the table on pages 4 to 6, forms part of these conditions. In addition, the Noise Impact Assessment produced by HA Acoustics and dated 28 October 2019, also forms part of the Sub-Committee's decision and reference in particular is made to the "conclusion" of that report.

It is noted that the application is for the following in relation to the garden and parking area:

1. to have live music events in the garden or parking area of the public house on no more than 4 occasions per calendar year;
2. that on each of those occasions the noise levels at the perimeter of the public house do not exceed 76 dB (and see the report of HA Acoustics);
3. that recorded music will not be played into the garden or parking areas;
4. that live music will not be played in the garden or parking area beyond dusk or 1900 hours, whichever is the later; and
5. save for parking and removal of vehicles and ancillary activities relating to the arrival or departure of patrons to the public house the garden or parking area will not be available to the patrons after dusk or 2100 hours whichever is the later, and
6. that the times for the playing of live music within the premises on Fridays and Saturdays is from 1400 hours to midnight, and on Sundays from 1400 hours to 2100 hours.

In summary the conditions are as follows, and follows the numbering in the table referred to above and as in the applicant's closing submissions:

1. An electric noise limiter will be installed and properly calibrated, and maintained in accordance with the manufacturers' instructions and a record both of such

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maintenance and any records produced by that limiter made available to officers of TDC on request. Whilst the level of noise will initially be set at 82 dbA that may need to change, and that obtaining that level will depend upon when and where installed. It is suggested that these matters be agreed with the Environmental Officer of TDC initially and from time to time as necessary.

2. All doors and windows (where it is possible to open them) shall be kept closed at all times when live or recorded music is played inside the premises, save for the fire escape. At all times when music, live or recorded is played in the premises all access and egress will be through the front door only.
3. The applicant or the manager of the premises, or a responsible member of the staff shall monitor at all times the language or noise emanating from the public house, its gardens or its vehicle parking area.
4. Air conditioning will be installed and operating in the premises for the comfort of patrons particularly at times when all windows and doors are closed.
5. All staff should actively encourage the gradual dispersal of all patrons or customers at closing time and it is particularly noted that the applicant has put forward specific strategies that will be operated during the last 20 minutes of trading on any day and the Committee expect to see these carried out.
6. The applicant accepts that waste from the public house may be in external or public areas, and will carry out checks at least daily to ensure that all waste is disposed of properly.

Reasons: The Sub-Committee has heard from both the applicant, his manager of the Plough and also from the objectors, Cllr Lynda McWilliams, as ward Councillor for Great Bentley, on behalf of a number of the objectors and from a number of the objectors.

The Sub-Committee has noted that the doors to the property, a listed property, are all single opening doors and in the new extension at the back, are bi-fold doors. It is understood that none of these doors are double glazed or have, or can have, a double door system because the property is a listed property and such adjustments would not be acceptable. The applicant and/or his manager have confirmed that there are no windows at the rear of the property, and that the windows at the front are sealed shut and cannot be opened. The Environmental officer from TDC has confirmed that the installation of double doors would assist in reducing the sounds emanating from the public house but accepts that the building being a listed building means it might not be possible to meet such a condition, and therefore would not insist upon such a condition.

The applicant or his manager have confirmed that they have asked, and will continue to do so, bands or musicians to reduce the noise levels; that they do, and will continue to undertake research on bands or musicians before booking them, including on YouTube; and that although they do not know what equipment the band or musicians will be using, they have put a noise monitor in place in order to assist with ensuring that sound levels are kept to reasonable levels at all times that the public house is open.

The Sub-Committee noted that the applicant confirmed that all requirements set out by the Environmental team at Tendring District Council are in place, and will, it is hoped, be prepared to work constructively with them in future.

The applicant has also confirmed that in the budgets for the Plough he has allowed for the installation of air conditioning in the premises, and that such air conditioning will be installed before the start of summer 2020. The installation of air conditioning will help reduce the level of noise heard outside the public house in that the doors will not need to be opened, and the windows do not open in any event.

The Sub-Committee has heard objections in relation to the noise coming from the Plough and also in relation to bright lights, and hopes that the applicant will be able to resolve such issues, possibly by the installation of acoustic fencing in the future but will ensure that all and any lighting coming from the premises is directed down or away from neighbouring properties. The Committee encourages the applicant and objectors to meet and discuss any issues that may arise.

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

This Decision was made today, 7 November 2019 and will be confirmed in writing to all parties."

The meeting was declared closed at 4.30 pm

**Chairman**

# Public Document Pack

Premises / Personal Licences Sub-Committee

13 January 2020

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON MONDAY, 13TH JANUARY, 2020 AT 10.01 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Casey, V Guglielmi and Winfield
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**1. ELECTION OF CHAIRMAN FOR THE MEETING**

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

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

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 7 November 2019 were approved as a correct record and signed by the Chairman.

**4. DECLARATIONS OF INTEREST**

There were none.

**5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none.

**6. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - EAST COAST DISTILLERY LTD, LANDERMERE HALL FARM, BUILDING 3A, THORPE-LE-SOKEN, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicants, Nicole North and Benjamin Mann of East Coast Distillery Ltd and made introductory remarks.

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 for East Coast Distillery Ltd.

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

Mondays, Tuesdays and Wednesdays	1000 to 1600
Thursdays, Fridays and Saturdays	1000 to 1600
	1900 to 2300
Sundays	1000 to 1500

Section 3.0 of the written report set out the proposed licensable activities which were:-

Provision of Films	
Saturdays	1930 to 2200

Provision of Recorded Music [Background music to be played at events]

Thursdays	1900 to 2230
Fridays and Saturdays	1900 to 2300

Sale of Alcohol on and off the premises

Mondays to Wednesdays	1000 to 1600
Thursdays	1000 to 1600
	1900 to 2230
Fridays and Saturdays	1000 to 1600
	1900 to 2300
Sundays	1000 to 1500

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

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

No representations have been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the applicants to give representations to the Sub-Committee and Mr Mann addressed the Sub-Committee.

Mr Mann explained that he was one of the Directors of East Coast Distillery along with Nicole North. They currently both worked in public services and running a distillery was an ambition of theirs.

Mr Mann explained that he had been born and bred in Jaywick and still lived in the area at Tendring, whereas Ms North was from another part of the country.



He said that they planned to create a successful, viable distilling business but at the present time they would remain working full time in their current jobs until the business could sustain their salaries. He said that they wanted the opportunity to be their own bosses.

Mr Mann explained that they had joined up with The Yorkshire Dales Distillery who had been mentoring them and that they were a successful distilling business.

They had now invested a significant amount of money in the premises at Thorpe and had also gained HMRC approval.

He explained that the business was built on 4 strands, the sale of alcohol, on-line, to trade, off sales and direct sales. Direct sales events such as farmers markets, the Tending Show etc. There would also be direct sales by people coming to the distillery so the premises licence application was key to this. He explained that the margins were better if they could sell their product direct from the premises.

He explained that they had spoken to the immediate neighbours to discuss any issues which might arise and had met with them on Saturday to discuss this matter. He explained that apart from direct sales they hoped to have small ticketed events at the premises.

Ms North explained that they had carried out a lot of researched and engaged with local bars and restaurants and had ascertained that there was a demand and that HMRC had also wanted proof of a demand before granting approval. Gin tourism was a growing trend and people wanted to know where their product was coming from. The business would be about informing people about the product, there would not be a bar at the premises. At present they both worked full time so would not be trading for the hours sought under the Licence but they did not want to limit themselves with regards to the hours that they would be able to trade in the future and they did want to be able to open if people rang up and wanted to visit.

The Chairman then asked if Members had any questions that they would like to ask Mr Mann and Ms North.

Members asked why they are setting up this type of business when pubs across the country were shutting down.

Mr Mann explained that the business had been funded through a Government Start-up Scheme. Distilling gin had become popular and they were proposing to distill London Dry Gin but they were also working on a low-alcohol/no-alcohol alternative as this was also becoming more popular. They would be using local botanicals for their products. Mr Mann confirmed that they would be running the activities at the premises, and that they had complete control of the business.

Members asked Mr Mann and Ms North about the events they proposed to have at the premises especially with regards to the fact that there were currently only 6 parking places at the site. Mr Mann and Ms North explained that if it was a cinema event there would not be more than 15 people at each event and if everyone drove, there would still be enough parking as there was also parking at the top of the lane. The films that would be shown would be about distilling or about the local area.

There were already units operating at the site which operated 9-5 and on Saturday mornings.

Members asked about music events and they were advised that there would only be background music at the premises as the premises were not big enough for any live acts. Events were about the product and were not about anything else, nor were they looking to diversify into other events.

Members also asked about lorries either delivering to or collecting from their premises and the use of plastic glasses for events. The applicants indicated that a couple of other businesses at the site had lorries come to the premises and that they anticipated goods being delivered to their premises and the finished product being collected but that these movements would be far less than the neighbouring businesses. So far as plastic was concerned they had probably made a rod for their own backs but they had put their plans together based on it using no plastic in the whole operation with glasses being used and washed up.

Mr Mann explained that they had had a meeting with the neighbours on Saturday to explain what their plans were and they understood that the area was a very quiet and tranquil part of Tendring. Events would be small scale, they were not running a bar but wanted to talk about their passion. They accepted that the reference to films made it sound like blockbusters would be shown there but that was not the case and they agreed there had been a poor choice of wording.

Members noted that there were already businesses operating from that site and that as part of the consideration in allowing the development of this site, environmental issues would have been looked into and that licensing had to consider the four licensing objectives. The applicants indicated that they did not yet know how sound might travel but that they would work with their neighbours and that it was a learning process. The applicants were aware it was a tranquil area, and were not keen to cause disruption.

Members asked whether the Police had checked the premises and Mr Mann confirmed that they had.

The objectors were then invited to address the Sub-Committee and ask questions of the applicants.

Sharon Darwin explained to the Committee that she was there on behalf of Andrew Chaplin. Mr Chaplin had written a letter explaining his concerns in particular with regards to the on and off site alcohol sales. He said that the premises were at odds with the area and there would be significant light and noise disturbance of the wildlife in the area. There were European protected species at the site.

Ms Darwin pointed out that the premises sat on a private road which was maintained by the farmer. Further on from the premises about ¾ kilometre down were houses and they were concerned that people visiting the premises would follow on down to the hamlet of Landermere. She said that that part of the road was maintained by the residents. The road was ideal for cycling and they were concerned that there would be an increase in cars using the road, especially as this area was a Site of Special Scientific Interest (SSSI) where there were very rare moths, only found in two areas of

the UK of which this area was one, which lights etc could affect – lighting should only be used with detectors. The road was a public footpath and this led to a jetty at the end which was used by residents and for which the residents had responsibility for the public liability insurance. Although there was a Private Road sign at the top of the lane, as this was designated as a public footpath there was concern about the possible increase of traffic. Children used this road for cycling which they could do safely.

Ben Evans and Stephen McNair-Wilson, two of the objectors said that they were worried about the use of the jetty and accidents occurring there, especially with the opening hours proposed in the application and the possibilities of people having had too much to drink, or simply being curious.

They said that the other business did not attract visitors. They were worried that any literature prepared by the Distillery which would be either in leaflet form or on their website would show the area with the close proximity to the jetty and the creek and there was no parking at the creek, and neither were there any toilets or rubbish collection facilities. This was only set up for walkers, some who come to swim and local people.

Mr McNair-Wilson who lived in Clacton was asked why he was interested in this application and he explained that he sailed his boat from Landermere and had friends in the area.

Mr Evans stated that he had no objections with the idea of the distillery and understands that the applicants wanted to approach the business in a sympathetic way.

He asked whether the Licence was “one size fits all” and the Licensing Manager explained that the Council could not limit what alcohol was sold and could not specify that only gin was sold.

Mr Evans explained that the other businesses at the site which were a kitchen fitting business and a stonemasons were not public facing businesses and that this is what was different about this application. He said that if the distillery business was based on the beauty of the area then customers might want to see the coast nearby.

With regards to the signage in the lane regarding it being a private road, Ms North said that they were happy to have a conversation with the other businesses about signage.

Mr Mann explained that there would only be small groups at the events as they wanted the customers to have a positive experience and that they wanted to make a premium product that people enjoy. Ms North added that until all the equipment was in place at the premises, the final fire inspection could not take place, but that following their research the maximum number attending these events would be 12 in order for them to get the most from their visit.

Mr McNair-Wilson asked if the Licence was granted today, when would it take effect and he was told that it would take effect from today.

Mr Mann explained that they had intended to have their launch event at the end of February, but the Landlord, Strutt & Parker who owned the farm and the industrial premises were going to replace the roof of the unit as it was leaking and this would

mean that they launch event would be postponed until the end of March. Mr Mann explained that they had also worked with the Environmental Health Department at the Council with regards to cleanliness etc.

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 returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

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

"Application No: Application No: 19/00667/PREMGR Application for the Grant of a Premises Licence in respect of East Coast Distillery Ltd, Landermere Hall Farm, Building 3a, Thorpe le Soken, Essex

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 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 sections of the application that are not agreed are as follows:-

2.2, 2.3 and 3.3 where the closing times are shown, for some days, as either 2300 hrs or 11 p.m. or 2230 hrs/10.30 p.m. The Sub-Committee have decided that the latest closing time shall be 2200 hrs or 10 p.m. on those days where later times are sought.

This was not granted because of the concerns for the residents, and the potential customers, to the business, on a private road, late at night and the potential for noise disturbance in the area as well as lighting concerns.

3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant the remainder of this application. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply, in order to satisfy the relevant Licensing Objective.

In respect of the Licensing Objective for the prevention of public nuisance and, potentially, public safety.

Reason – The Sub-Committee have heard the applicants and the objectors, and are pleased to hear that parties have already been in discussion with each other prior to this meeting, and hope that such an approach will continue in the future. The Sub-Committee have noted the concerns, particularly in relation to the road being a private road albeit with public access to the creek and the triple SSSI. It is noted that each of the residents living along that private road have a responsibility for

maintaining that road together with the main landowner. It is also noted that there are no facilities along that road to the creek/SSSI or at the creek/SSSI for parking, toilets or waste/rubbish collections.

The Sub-Committee understand that there are already a number of signs around this site because of the businesses already at this site and that the applicants are prepared to display signs advising people that there is no right of way for vehicles beyond the business premises. The display of such signage is to be a condition to this licence.

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

This Decision was made today, 13 January 2020 and will be confirmed in writing to all parties."

The meeting was declared closed at 12.05 pm

**Chairman**

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# Public Document Pack

Premises / Personal Licences Sub-Committee

28 February 2020

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 28TH FEBRUARY, 2020 AT 1.02 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors V Guglielmi, Casey, Davis and Winfield (Standby Member)
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Emma King (Licensing Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**7. ELECTION OF CHAIRMAN FOR THE MEETING**

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

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

**8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was no apologies for absence or substitutions.

**9. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 13 January 2020 were approved as a correct record and signed by the Chairman.

**10. DECLARATIONS OF INTEREST**

There were none.

**11. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) -  
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DIFFERENT (ESSEX)  
LTD, ASHLYNS HOUSE, 83 FOURTH AVENUE, FRINTON-ON-SEA, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Mr Tony Sugden of Different (Essex) Ltd and made introductory remarks.

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 for Ashlyns House, 83 Fourth Avenue, Frinton-on-Sea, Essex.

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

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Mondays to Sundays 1100 to 2300

Section 3.0 of the written report set out the licensable activities which were:-

Provision of Recorded Music

Mondays to Sundays 1100 to 2300

Sale of Alcohol on the Premises

Mondays to Sundays 1100 to 2300

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

Members were further informed that one letter of representation/objection had been received from a resident in relation to this application.

No representations have been received from any of the Responsible Authorities.

Members also had before them an Application Form and supporting documentation, a location plan and a copy of the representation/objection letter.

The Chairman then invited the applicant to give his representations to the Sub-Committee and Mr Sugden addressed the Sub-Committee.

Mr Sugden explained that he had applied for the licence for seven days a week until 11.00 p.m. as the previous licence had been held on that basis. He had not been aware until just before he was due to take over the Lease in October 2019 and after speaking to the Licensing Team that the Premises Licence had been surrendered in August 2019. He had been informed by the Licensing Team that he could not therefore apply for a variation of that Licence.

He also informed the Sub-Committee that the previous owners had also stripped the premises of fixtures and fittings and that he was currently undertaking a full refurbishment. He said that he had had to apply for these hours in order to make the business viable. He said that he had 24-26 covers inside, with a further 20 covers on the outside patio area.

He said it would be a small family restaurant. He had lived in Frinton-on-Sea for 35 years and his family were in the catering business, having previously run a restaurant in the area with his wife's parents and grandparents.

Mr Sugden was then asked by Members whether there was enough room in the outside area for 20 and he explained that it was a small patio area with a small grassed edge and then the pavement and that he wished to use this patio area during the Summer months as this would help to make the business more viable.

The issue of parking was also raised and discussed.



Mr Sugden was asked about the letter of objection from Mr Kirby in relation to his concerns about the closing times and whether he would be prepared to compromise on the opening times. Mr Sugden stated that he needed to earn a living and that it would not be a viable business if he had to close the premises at 8.30 p.m. He was hoping that he would pick up business from the patrons using the nearby Theatre and he was aiming his business at families and couples. If he was allowed to use the outside patio area this would help his income.

Mr Kirby the objector was not present at the meeting.

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 returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

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

Application No: 20/00007/PREMGR – Application for the Grant of a Premises Licence – Different (Essex) Ltd, Ashlyns House, 83 Fourth Avenue, Frinton-on-Sea, Essex

"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 a resident 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.

The decision of the Sub-Committee is to Grant this application in full. Namely opening hours Mondays to Sundays of 11.00 a.m. to 11.00 p.m. (or 2300 hours) including the provision of recorded music and the sale of alcohol on the premises, inside the premises only.

The Applicant has also been made aware that the premises has planning permission to 10.30 p.m. (or 22.30 hours).

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, 28 February 2020 and will be confirmed in writing to all parties."

The meeting was declared closed at 2.02 pm

**Chairman**

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# Public Document Pack

Premises / Personal Licences Sub-Committee

10 March 2020

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON TUESDAY, 10TH MARCH, 2020 AT 10.00 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Davis, Skeels, Winfield and Casey
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**12. ELECTION OF CHAIRMAN FOR THE MEETING**

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

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

**13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**14. DECLARATIONS OF INTEREST**

There were none.

**15. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ARDLEIGH SERVICE STATION, COLCHESTER ROAD, ARDLEIGH, ESSEX CO7 7PA**

The Chairman (Councillor Winfield) welcomed everyone to the meeting and made introductory remarks.

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 for Ardleigh Service Station.

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

Mondays to Sundays 0600 to 2300

Section 3.0 of the written report set out the proposed licensable activities which were:-

Sale of Alcohol off the Premises

Mondays to Sundays 0600 to 2300

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

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

No representations had been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the applicants to give representations to the Sub-Committee and Mr David Hook, the applicant's Solicitor addressed the Sub-Committee.

Mr Hook explained that Mr Simon Stancevic the Manager and Designated Premises Supervisor of the Premises and Mr Michael Stancevic, the Area Manager were in attendance with him.

Mr Hook explained that Mr Simon Stancevic had thirteen year's experience of running garages and Mr Michael Stancevic had considerably more with around twenty year's experience. Mr Simon Stancevic would be the Designated Premises Supervisor at both this site and the Ardleigh South Service Station site. The sites were served by a team of nine staff which were shared between both sites. Mr Simon Stancevic would be the Duty Manager at both sites. Five of the staff had received the relevant training in relation to the sale of alcohol.

Mr Hook explained by reference to the plan showing the layout of the premises where the alcohol would be located. It would be near to the counter so that it could be seen and was then farthest away from the entrance doors. All spirits would be sold from across the counter.

Mr Hook further explained that the reason that the applications had been made was that the two sites were also convenience stores which were likely to be refurbished in the future. Mr Stancevic had experience of off-licences which operated 24 hours a day. In most mini-markets the public expected alcohol to be sold.

Mr Hook pointed out that some of the representations received in respect of this application did not fall within the Licensing Objectives. One representation had stated that the premises had been the subject of a ram-raid but he explained that this was when the cash machine had been located in a pod outside the main building. He said that one aspect of having a Premises Licence was that there were stringent regulations. The premises had to have a method of remotely locking the doors to keep staff secure. This was also an ideal method for detaining someone in the shop or from entering the premises in the event of an emergency.

He stated that some of the representations concerned drink-driving but stated that there was no proven link between drink-driving and premises such as these. He said that the shop was a very active shop for non-forecourt purchases. He stated that the staff would not be careless in selling alcohol as Messrs Stancevic both had many years of

experience of selling alcohol between them. He said that the shop should be regarded as an asset for the village.

One of the representations stated that there would be light pollution as the premises would be open 24 hours a day, but these premises would not be open 24 hours a day.

Some of the other representations had been concerned with underage sales and he stated that the Challenge 25 Policy would be in operation at the premises. Staff would be trained to require photo I.D. from anyone who appeared to be under 25. With respect to litter, bins would be provided and the premises would be patrolled to make sure that the area adjacent to the main road would be clean.

The Chairman then asked if Members had any questions that they would like to ask Mr Hook or Messrs Stancevic.

Members asked whether Mr Simon Stancevic had his Personal Licence and he said that he did now have it.

Members said that they were concerned about the possible congestion on the forecourt with cars possibly queuing onto the main road and Mr Hook said that the new owners would do what they could to ease congestion. They were not able to enlarge the site.

The applicants were asked how many staff would be on each site at any one time and they were told that there would be two staff on site at all times on a rota basis

The objectors were then invited to address the Sub-Committee and ask questions of the applicants.

Mrs Hamblin, representing Ardleigh Parish Council, asked why the application had not been advertised and Mr Hook explained that this was something that was outside of their control. The application was to be advertised on site at the premises.

Mrs Carol Mason, one of the objectors cited concerns about the dangerous road situation. The road outside of the premises was a 40 mph road and she was concerned about the increase in traffic and that this could increase the danger in the area. She stated that this application would increase the footfall into the shop. The forecourt was not designed for lots of cars and if there were any more than 6 or so cars they would be queuing on the main road adjacent. Other reasons that the village was objecting was that they wanted to protect the shops and the public house that were already in the village.

Mrs Hamblin stated that they were also concerned about the possibility of an increase in litter in the area.

Members then asked the applicants what percentage of their customers had asked for alcohol to be sold in the shop. Mr Hook explained that the applicants had only recently taken over the premises. Mr Baker, the Applicant's Agent had stated that there would be somewhere in the region of 10-15% of alcohol sales and 85-90% grocery sales in similar shops. He stated that business did increase if alcohol was sold. He stated that it was a convenience store and not a discount store and therefore there would be no cheap alcohol sold.

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 its decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to the meeting and the Council's Solicitor confirmed that she had reminded the Sub-Committee of the Licensing Objectives but that she had not provided any specific legal advice to the Sub-Committee when it was making its decision.

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

"Application No: 20/00047/PREG Application for the Grant of a Premises Licence – Ardleigh Service Station, Colchester Road, Ardleigh, Essex CO7 7PA

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 set out in the Licensing Authority's own Statement of Licensing Policy.
2. The decision of the Sub-Committee is to GRANT this application in full.

The parties are reminded that if there are any issues relating to the Licensing Objectives arising from this Licence, then they should notify the Licensing Authority, or other Authority as appropriate, and if appropriate a review of the Licence can be undertaken.

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, 10 March 2020 and will be confirmed in writing to all parties."

#### **16. ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting for lunch at 11.55 a.m. Following the adjournment, the meeting recommenced at 2.00 p.m.

#### **17. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ARDLEIGH SOUTH SERVICE STATION, COLCHESTER ROAD, ARDLEIGH, ESSEX, CO7 7NS**

Following the recommencement of the meeting, Mr Hook, the Applicant's Solicitor asked the Sub-Committee whether they wished him to go through matters again as he felt that he had covered everything in the meeting this morning and that this would substantially be the same for this application. The Chairman agreed that it was unnecessary to give representations to the Sub-Committee again.

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Mr Hook said that he was happy to answer any questions that the Sub-Committee had and the Chairman asked the Members of the Sub-Committee whether they had any questions for Mr Hook or the applicants and they confirmed that they did not.

Members had before them the report which stated in Section 2.2 the proposed opening hours for the premises which were:-

Mondays to Sundays 0000 to 0000

Section 3.0 of the written report set out the proposed licensable activities which were:-

Late Night Refreshments

Mondays to Sundays 2300 to 0500

Sale of Alcohol off the Premises

Mondays to Sundays 0000 to 0000

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

Members were further informed that one letter of representation/objection had been received from residents in relation to this application.

No representations had been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

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 its decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee when it was making its decision.

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

"Application No: 20/00046/PREGR Application for the Grant of a Premises Licence – Ardleigh South Service Station, Colchester Road, Ardleigh, Essex CO7 7NS

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 set out in the Licensing Authority's own Statement of Licensing Policy.

2. The decision of the Sub-Committee is to GRANT this application in full.

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, 10 March 2020 and will be confirmed in writing to all parties."

The meeting was declared closed at 2.06 pm

**Chairman**



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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON WEDNESDAY, 22ND APRIL, 2020 AT 10.00 AM  
IN THE TELEPHONE HEARING**

<b>Present:</b>	Councillors V Guglielmi, J Henderson, Davis and Casey
<b>Also Present:</b>	William Moody, District Licensing Officer (Essex Police), Mark Gear, Immigration Officer (Home Office), Councillor Peter Cawthron, Ian Davidson (Chief Executive) and Keith Simmons (Head of Democratic Services and Elections)
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Emma King (Licensing Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**18. ELECTION OF CHAIRMAN FOR THE MEETING**

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

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

**19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**20. MINUTES OF THE LAST MEETINGS**

The minutes of the meetings of the Premises/Personal Licences Sub-Committees held on 28 February 2020 and 10 March 2020 were approved as a correct records.

**21. DECLARATIONS OF INTEREST**

There were none.

**22. REPORT OF ACTING CORPORATE DIRECTOR (OPERATIONS AND DELIVERY)  
A.1 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - GREAT GURKHA RESTAURANT, 126 OLD ROAD, CLACTON-ON-SEA, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Karen Townshend) 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 (Operations and Delivery), an application for the review of a Premises Licence in respect of Great Gurkha Restaurant.

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

**Sale of Alcohol on and off the premises**

Monday to Thursday	12:00 - 23:30
Friday to Saturday	12:00 - 00:00
Sunday	12:00 - 23:30

**Performance of Recorded Music**

Monday to Thursday	12:00 - 23:30
Friday to Saturday	12:00 - 00:00
Sunday	12:00 - 23:30

**Late Night Refreshment**

Monday to Thursday	23:00 - 23:30
Friday to Saturday	23:00 - 00:00
Sunday	23:00 - 23:30

**The opening hours of the premises**

Monday to Thursday	12:00 - 00:00
Friday to Saturday	12:00 - 00:30
Sunday	12:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Supply of Alcohol both on and off the premises

Aishwarya Enterprises Ltd have been the Premises Licence holder since the licence was transferred on 13 November 2019, and Miss Mithula Varatharasa has been the Designated Premises Supervisor (DPS) of the restaurant since 13 November 2019.

An application for the Review of the Premises Licence for the Great Gurkha Restaurant had been submitted by Essex Police. This had been received by the Licensing Authority on 6 February 2020 on the grounds that the Licensing Objective in respect of the Prevention of Crime and Disorder had been breached; as the Premises Licence holder Aishwarya Enterprise Ltd and DPS Miss Mithula Varatharasa had been found by the East of England Immigration Enforcement team on 10 January 2020 to be employing persons who had no right to work or stay in the United Kingdom.

In summary, the Review application and its accompanying supporting documents advised and contained the following:

- Home Office guidance on right to work checks
- Home Officer Letter of support.
- A Section 9 witness statement from PC Southgate regarding police visit on 25 February 2019.
- A Section 9 witness statement from Licensing Officer Moody regarding immigration visit on 10 January 2020.

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- A Section 9 witness statement from Immigration Officer Gear regarding immigration visit on 10 January 2020.
  - A Section 9 witness statement from Licensing Officer Moody regarding a meeting with Mithula Varatharasa on 29 January 2020.
  - Extracts from company registration application for Aishwarya Enterprises Ltd.

A copy of the Premises Licence Review application and all of the documents referred to in the bullet points above were attached to the report in full.

Notice of the review application had been made and advertised in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompany it. In particular, a notice detailing the review application had been clearly displayed on the premises concerned and on the Tendring District Council Website for the prescribed 28 day period. Periodic checks had been undertaken by the Licensing Authority to ensure that this was the case. The notice period had expired on 5 March 2020.

The Licensing Authority accepted the review application and was satisfied that it had been properly served in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompany it. The Head of Customer and Commercial Services is satisfied that the application and the representations that it makes are relevant to the licensing objectives and are not vexatious, repetitious or frivolous in nature.

It had been confirmed that no representations have been received from any other Responsible Authorities.

Other persons can also make representations in regards to review applications. Other persons in terms of the Licensing Act 2003 can include any individual, body or business and in accordance with paragraph 8.13 of the Section 182 Guidance issued by the Secretary of State (April 2017 version) which accompanies the Licensing Act 2003, are entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.

Such representations should be relevant and not be considered by the Licensing Authority as vexatious, repetitious or frivolous and can be made in opposition to, or support of, an application and can be made by any individual, body or business that has grounds to do so. The S182 Guidance is silent on whether representations can be made against an application for a review, or in support of the respondent to the review (which in this case is the Premises Licence holder Aishwarya Enterprises Ltd). However, given that the Guidance is silent on this question, but clearly indicates that other persons can make representations in regards to a review and that representations can be made in support of applications, it is therefore reasonable to assume that representations can also be made in support of the Premises Licence Holder Aishwarya Enterprises Ltd in this matter for due consideration by the Licensing Sub Committee and as part of the Review application hearing process.

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

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

It was noted that although Miss Mithula Varatharasa, the Designated Premises Supervisor of the Great Gurkha Restaurant had been contacted on numerous occasions she was not present on the telephone.

The Chairman then invited Mr William Moody, Essex Police District Licensing officer to present the Police' case.

He explained that in February 2019 the Police received intelligence that the restaurant was employing illegal workers. A search warrant was executed and two males were found working and were arrested for immigration offences as both had no right to work. At that time a formal warning was issued rather than apply for a review at that stage.

Further intelligence was received that illegal workers were being employed at the restaurant and in January 2020 a further search warrant was executed with the Immigration Office and Officers from Tendring District Council present. Five staff were on the premises and three of those staff were working illegally in the kitchen. When asked what they were being paid one said that he got his food and accommodation and another said £10-£20. None of these illegal workers had the right to work in the UK.

Mr Moody explained that although it was a different company running the restaurant, upon checking details with Companies House the restaurant was under the same management in February 2019 and January 2020.

There had been a change of staff in January 2020 and when the owner was asked to provide copies of documents for the previous staff it was claimed that they had been lost.

The owners admitted that they felt that they had lost control of the business.

The Chairman asked Members if they had any questions for either William Moody or Mark Gear, the Immigration Officer from the Home Office who was also present.

They were asked about right to work checks and Mark Gear advised that an employer would ask for documents from a potential employee such as a passport, driving licence and a bank statement. Documents from previous employees had either been lost or had not been provided,

Mark Gear explained that an employer would submit the employees details onto the .Gov website if they were from outside of the EU and they would then receive a Yes or No as to whether the employee could work in the UK for 3/6 or 12 months and a certificate would be provided.

Members asked if when the Police and Immigration first went to the premises whether they were aware of what checks were needed for right to work and Mr Moody explained that they had a meeting with the Licence Holder to go through what checks were needed. The Licence Holder was now a different person but the previous Licence Holder was the mother of the current Licence Holder and was present on both occasions.

Members asked whether their understanding of the English language was sufficient and it was confirmed that there were no communication issues.

Members mentioned that there appeared to be only one employee registered with HMRC and it was confirmed that HMRC were aware of the business as they were joined by Anne Cranston, the Hidden Economies Officer on 29th of January 2020 for an arranged appointment with Mrs. Varatharasa.

Mr Moody was asked whether Mrs Varatharasa had any other businesses and he said that she did not have any other directorships according to Companies House.

The fact that although there had been a change of ownership of the restaurant between February 2019 and January 2020 the same persons were present on both occasions they were suspicious that there had been no effective change in the running of the business and they had therefore committed two offences.

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

**23. EXCLUSION OF PRESS AND PUBLIC**

It was moved by and seconded, and:-

**RESOLVED** - "That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting/hearing during the period of time when it is deliberating and reaching its decision on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act."

**24. REPORT OF ACTING CORPORATE DIRECTOR (OPERATIONS AND DELIVERY)  
A.1 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - GREAT  
GURKHA RESTAURANT, 126 OLD ROAD, CLACTON-ON-SEA, ESSEX**

Following its deliberations, the Sub-Committee, Council's Solicitor and Legal and Governance Administration Officer then returned to the meeting and Essex Police and the Immigration Officer were invited to rejoin the meeting. 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:

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**“LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF PREMISES LICENCE - GREAT GURKHA RESTAURANT, 126 OLD ROAD, CLACTON ON SEA, ESSEX**

The Sub-Committee has given careful consideration to this application for a review and to the actual representations received from Essex Police on the grounds that the Licensing Objective in respect of the prevention of crime and disorder had been breached for the reasons set out in their representations.

The Licensing Objective for the Prevention of Crime and Disorder has been breached.

In making their decision, the Sub-Committee have taken into account:-

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

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

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

1. In respect of the application for the Review of a Premises Licence submitted by Essex Police in respect of the premises known as Great Gurkha Restaurant, 126 Old Road, Clacton on Sea, Essex, the Sub-Committee's decision is to revoke the Licence.
2. It has been determined that the Licence must be revoked for the following reason[s]:-

The committee note that this is not the first time, even in the last 12 months, that these premises have come to the attention of the police and immigration authorities, and has been found to be employing multiple illegal workers on two separate occasions in that 12 month period, and despite being issued a formal warning previously.

In addition it is noted that despite changes in names at, for example, Companies House the operational management of the premises has remained the same throughout the time since these premises first came to the attention of the police and/or immigration authorities.

Further following the first such visit the police and/or immigration authorities provided education and advice, advice that it appears has still not been followed as on this occasion, as on previous occasions, the paperwork that is required to

be kept was again unable to be provided including for example photocopies of passports, bank statements, and similar documentation. The immigration officer was able to advise the committee how simple it was for any business to apply to the government for a right to work check to be undertaken, and proof provided: there was no evidence that any such checks had been undertaken.

It was further noted that those workers found to be working illegally were being paid substantially below the minimum wage, including one who was paid just £10 a day so that in addition to other potential criminal offences, there is a loss to HMRC and therefore the wider British public.

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 12.18 pm

**Chairman**

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# Public Document Pack

Premises / Personal Licences Sub-Committee

16 October 2020

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## **MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE, HELD ON FRIDAY, 16TH OCTOBER, 2020 AT 10.00 AM**

<b>Present:</b>	Councillors Casey, V Guglielmi, J Henderson and Winfield
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer), Keith Durran (Democratic Services Officer) and Keith Simmons (Head of Democratic Services and Elections)
<b>Also in Attendance:</b>	William Moody (Police Licensing Officer), Mr Seeley (Solicitor) and Mr Roohrawan (Licence Holder)

### **ELECTION OF A CHAIRMAN FOR THE MEETING**

It was moved by Councillor Casey, seconded by Councillor Jo Henderson and:-

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

### **APOLOGIES FOR ABSENCES AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

### **MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 22 April 2020 were approved as a correct record and signed by the Chairman.

### **ADJOURNMENT OF MEETING**

Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer)) informed the Sub-Committee and the participants in the meeting that they were to adjourn the meeting due the significant amount of information in the Officer report and in order to give the Sub-Committee Members, the Police and the Licence holder adequate time to prepare. The re-scheduled date was agreed by all parties and set for the 4<sup>th</sup> of November 2020.

Mr Seeley, the Licence Holder's solicitor, asked if the Council's intentions were to not allow any further representations at this time.

Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer)) confirmed that, the Council would not allow any further representations to be submitted.

The meeting was declared closed at 10.06 am

**Chairman**

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON TUESDAY, 20TH OCTOBER, 2020 AT 10.00 AM  
IN THE TELEPHONE HEARING - FOR MEETINGS HELD THROUGH REMOTE  
MEANS OF A TELECONFERENCE, PUBLIC ACCESS DETAILS FOR THE  
TELECONFERENCE CAN BE OBTAINED FROM THE OFFICER WHOSE DETAILS  
ARE BELOW.**

<b>Present:</b>	Councillors V Guglielmi, Casey, Winfield and Coley (Stand-by Member)
<b>Also Present:</b>	William Moody, Licensing Officer, Essex Police, Gary Burke, Essex Police, Robert Howard, Premises Licence Holder and Jenna Howard, Designated Premises Supervisor
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant) and Keith Durran (Democratic Services Officer)

**1. ELECTION OF CHAIRMAN FOR THE MEETING**

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

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

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**3. DECLARATIONS OF INTEREST**

Councillor Winfield declared a personal interest in that his son was employed by Essex Police in CID but that he was based in Chelmsford. He did not consider himself to be pre-determined in this matter.

**4. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TRUTH/PULSE (FORMERLY BENTLEYS), 5 MARINE PARADE EAST, CLACTON-ON-SEA**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

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 (Operations and Delivery) an application for the review of the Premises Licence currently held by Bentleys of Clacton Ltd submitted by Essex Police, being a Responsible Authority.

Section 2.2 of the written report set out the current opening hours for the premises which were:

**Sale of Alcohol on and off the premises**

Monday to Thursday	08:00 - 00:00
Friday	08:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 00:00

**Performance of Live Music**

Fridays and Saturdays	19:00 - 00:00
Sunday	15:00 - 22:00

**Performance of Recorded Music**

Monday to Thursday	12:00 - 00:00
Fridays and Saturdays	12:00 - 02:30
Sunday	12:00 - 22:00

**Late Night Refreshment**

Monday to Sunday	23:00 - 02:00
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**Non Standard Timings**

**Performance of Live Music**

Bank Holiday Sunday	15:00 – 00:00
Bank Holiday Monday	15:00 – 22:00
Christmas Eve / Christmas Day	finish at 03:00
New Year's Eve / New Year's Day	finish at 04:00

**Provision of Recorded Music**

Bank Holiday Sunday	15:00 – 02:30
Bank Holiday Monday	15:00 – 22:00
Christmas Eve / Christmas Day	finish at 03:00
New Year's Eve / New Year's Day	finish at 04:00

**Sale of Alcohol on and off the premises only**

Bank Holiday Sunday	08:00 – 02:30
Bank Holiday Monday	08:00 – 22:00
Christmas Eve / Christmas Day	finish at 03:00
New Year's Eve / New Year's Day	finish at 04:00

The ability to sell or supply alcohol and/or refreshment to residents and their bona fide guests at any time.

It was also reported that Bentleys of Clacton Ltd had been the Premises Licence holder since a variation and transfer of the licence on 8 May 2018, and that Jenna Howard had been the Designated Premises Supervisor (DPS) of the premises since 14 February 2018.

An application for the Review of the Premises Licence for Truth/Pulse [formerly Bentleys] had been submitted by Essex Police. This had been received by the Licensing Authority on 25 August 2020 on the grounds that the Licensing Objective in respect of the Prevention of Crime and Disorder had been breached; as the Premises Licence holder Bentleys of Clacton Ltd and DPS Jenna Howard had been found by Essex Police to be in breach of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 in that it had operated as a nightclub or otherwise operated as a venue which was open at night, provided music and had a dance floor or other space for dancing

Notice of the review application had been made and advertised in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompanied it. In particular, a notice detailing the review application had been clearly displayed on the premises concerned and on the Tendring District Council Website for the prescribed 28 day period. Periodic checks had been undertaken by the Licensing Authority to ensure that this was the case. The notice period had expired on 23 September 2020.

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

No representations had been received from any other of the Responsible Authorities. However, an e-mail had been sent to Ms Howard, DPS, from the Council's Environmental Services on 25 August 2020 informing her that the risk assessment that had been submitted was not adequate and had given guidance on what was required.

The Sub-Committee was aware that other persons could also make representations in regards to review applications. Other persons in terms of the Licensing Act 2003 could include any individual, body or business and in accordance with paragraph 8.13 of the Section 182 Guidance issued by the Secretary of State (April 2017 version) which accompanied the Licensing Act 2003, were entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, those persons could themselves seek a review of a premises licence.

Such representations had to be relevant and not considered by the Licensing Authority to be vexatious, repetitious or frivolous. They could be made in opposition to, or support of, an application and could be made by any individual, body or business that had grounds to do so. The S182 Guidance was silent on whether representations could be made against an application for a review, or in support of the respondent to the review. However, given that the Guidance was silent on this question, but clearly indicated that other persons could make representations in regards to a review and that representations could be made in support of applications, it was reasonable to assume that representations could also be made in support of the Premises Licence Holder (Bentleys of Clacton Ltd) in this matter for due consideration by the Licensing Sub Committee and as part of the Review application hearing process.

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It was therefore reported that there was one letter from a resident in support of the premises licence holder (Bentleys of Clacton/Pulse Ltd).

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

Following Members' consideration of this review application submitted by Essex Police, Section 52 of the Licensing Act 2003 stated that Members of the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considered necessary for the promotion of the Licensing Objectives.

Those steps were:-

- (i) to modify the conditions of the licence
- (ii) to exclude a licensable activity from the scope of the licence
- (iii) to remove the Designated Premises Supervisor
- (iv) to suspend the licence for a period not exceeding three months
- (v) to revoke the licence

For this purpose, the conditions of the licence were modified if any of them were altered or omitted, or any new conditions were added as a result of this Review Hearing.

In addition to the above measures, Members were advised that it was also open to them that they could for example decide to take no action in respect of the review application, or issue an informal/formal warning letter and/or recommend improvement to the premises and its management within a particular period of time if they decided that on consideration of the facts and balance of probabilities, this was a reasonable, proportionate and appropriate approach to take in regards to this Review application.

No specific recommendation was made by Officers to the Licensing Sub-Committee in respect to this Review application other than in accordance with Section 52 of the Licensing Act 2003 (as shown above). Members of the Licensing Sub-Committee were asked to reasonably, proportionately and appropriately determine the application for a Review of a Premises Licence in respect of the premises in its own right and on its own merits taking into account all matters detailed in in the agenda, report and accompanying papers and any other relevant matters that were brought up at the hearing itself by any of the parties that had an interest in this Review hearing.

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

William Moody, Licensing Manager for Essex Police addressed the Sub-Committee and stated that he had not seen the letter of support mentioned in the report. The Chairman then agreed that a short adjournment would now take place in order for the letter to be sent to him and give time for him to read it. The Sub-Committee also took time to read the letter.

The meeting recommenced and William Moody asked the Sub-Committee not to take the letter of support into account. He then addressed the Sub-Committee and gave an overview of Essex Police's case.

Mr Moody explained that the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 had come into force on 4 July 2020 which allowed licensed premises to reopen but this did not include premises designated as nightclubs or places designated for dancing.

He alleged that The Truth/Pulse Nightclub had reopened on 14<sup>th</sup> August 2020 for two evenings in breach of those regulations. The Police had attended the premises on 15<sup>th</sup> August following provision to them of a video that they had seen of the premises apparently operating as a nightclub on the previous evening, 14<sup>th</sup> August 2020.

Police Officers had spoken to the Designated Premises Supervisor, Jenna Howard who said that she could not control people dancing whilst they were waiting at the bar.

They spoke to the Designated Premises Supervisor, Jenna Howard who said that she could not control people dancing whilst they were waiting at the bar.

Mr Moody explained that the Police felt that as premises had been allowed to be reopened since 4<sup>th</sup> July 2020 then lessons should have been learnt in that time.. The Police did not accept that the bar or other staff were powerless to stop dancing there were SIA door staff as well as the DPS and bar staff on duty both nights. There was live music, with a DJ streaming music to the venue, all clearly heard outside the premises and as witnessed by the Police. It was clear to the Police that it was a clear and calculated action to reopen the premises with music and dancing in contravention of the Covid-19 Restrictions.

Mr Moody further stated that a meeting had subsequently been held with Jenna Howard where the seriousness of the situation had been relayed. It was explained to Ms Howard that the evidence gathered would be passed to the Council's Environmental Health Team.

The result was that a Prohibition Notice had been issued by the Council's Environmental Health Officers which had demonstrated in Mr Moody's opinion how serious they had considered the breach to be. The Notice had stated that: "you must cease with immediate effect the operation of the business premises as a night club with dancing." – this was the first Prohibition Notice issued by the council's Environmental Health Officers. That Prohibition Notice remained in force until such time as the Secretary of State published directions terminating the "emergency period" which would not be until the restrictions or requirements set out in the Regulations were believed to be no longer necessary.

Mr Moody then explained that although full revocation of the premises licence was an option they considered that there should be a suspension for up to three months and amended conditions applied to the Licence. Mr Moody explained that he felt the Licensing Authority must send a clear message that a breach must not go unchallenged.

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

Mr Moody was asked whether he felt that Mr and Mrs Howard were clear about the law in these circumstances and he confirmed that as there had been a five week period

between premises being allowed to reopen and Truth/Pulse reopening on 14<sup>th</sup> August 2020 the regulations should have been clear and understood by them.

Mr Moody was then asked whether there had been previous warnings and he explained that these breaches had occurred on the first weekend that Truth/Pulse had been reopened. He confirmed that after the Prohibition Notice had been served they had chosen not to reopen. He said that if they had reopened then this would have been in breach of the Prohibition Notice and would itself be a criminal offence.

The Chairman then asked Mr and Mrs Howard if they had any questions for Mr Moody. Mr Robert Howard, the Sole Director of Bentley of Clacton Ltd, the Licence Holders asked whether Mr Moody was a Police Officer and Mr Moody confirmed that he was not a Police Constable, but that he was the Licensing Officer for Essex Police.

Mr Howard then stated that there had been a meeting between Michael Cook of the Council's Licensing Team and William Moody after he saw them at a neighbouring venue prior to the venue reopening on 14<sup>th</sup> August 2020. He stated that they were aware that Truth/Pulse were turning the car park at the premises into an outside seating area and that the premises would be fully compliant with the restrictions. They had also discussed the volume levels of the music at the premises and whether a noise limiter should be installed.

Mrs Howard then stated that Mr Cook and Mr Moody had been offered the opportunity to see what the venue was offering but that the offer had not been taken up.

Mr Howard further claimed that as he was one of the people considered to be a vulnerable person at high risk as he suffered with numerous health problems including diabetes and a heart condition he would not have put himself at risk of contracting COVID by reopening the premises without the required health and safety measures in place.

In relation to noise levels at the premises Mr Moody confirmed that this was not the reason that the Police had asked for the Licence to be reviewed. It was pointed out that the restrictions had since 17<sup>th</sup> October been changed further in that patrons were now not allowed to go to the bar for service but that table service was now the only way of being served in a licenced premises and Mrs Howard said that she hoped that the Sub-Committee understood what level of restrictions had been in place on 14/15 August 2020.

The two videos that had been submitted as evidence by Essex Police were then shown to the Sub-Committee. Those videos consisted of a clip of inside Truth/Pulse on the evening of 14<sup>th</sup> August 2020 which appeared to show dancing and also the video taken from the bodycam of one of the Police Officers who had visited the premises on the evening of 15<sup>th</sup> August 2020.

The Sub-committee Chair asked whether everyone had had a chance to view these videos as it was important that they were viewed by everyone, and now would be a good opportunity to view them. Arrangements were made for the two videos to be played, and although there was some difficulty, including initially with the sound, with the assistance of TDC's IT officers those difficulties were overcome and everyone confirmed they were able to view and to hear both videos in their entirety.



Mr Moody stated that dancing could clearly be seen on the first video which showed that the premises had been open as a nightclub. The Council's Environmental Health Officer, Carol Archibald who was present at the meeting, informed the Sub-Committee that social media pages had advertised that a DJ would be at the premises.

In response Mrs Howard said that if people were seen to be dancing then they would have been stopped by the staff. She said that she had never had people queuing outside her premises before as shown on the video of the evening of 15<sup>th</sup> August 2020.

In turn, Mr Moody said that the Police had been contacted on 15<sup>th</sup> August 2020 by members of the public who were concerned that the premises had been operating as a nightclub. The first video had been uploaded onto snapchat a social media platform which deleted the videos after 24 hours. Mr Howard then challenged whether the video was actually of his premises and the timeline on the video was discussed whereby Mr Moody explained that when the video was shown it had clearly stated that it was from 18 hours before which would mean that it was taken on the night of 14<sup>th</sup> August 2020. The Door Security Officer at the premises had conceded when shown the video by the Police on the evening of 15<sup>th</sup> August that it had been taken from inside Truth/Pulse the day before.

It was discussed whether a video could be used as evidence if there was no time stamp on it. Carol Archibald stated that Officers had provided written statements regarding the video. There was also the advertising on social media that a DJ would be at the premises, that together with other information made clear the intention to open as a nightclub which was why the Prohibition Notice had been served.

Mr Howard then said that there was a neighbouring venue who had a DJ outside and Mr Moody had replied that the Police were not aware of this. Mr Howard stated that their DJ was not on the premises but live streamed the music.

Mr Howard then left the meeting at 12.10 p.m.

Mrs Howard then stated that she felt that they had responded to all of the questions asked of them and felt that there was the question of why would they put all the necessary measures in place in terms of signage, hand sanitizers etc. if they were going to breach the law. She also confirmed that they had not opened the premises since that time.

At the invitation of the Chairman, Mrs Howard then put forward the further points they wished to draw to the attention of the Sub-Committee that included the preparation of a huge outside seating area, the training of all staff, the risk assessments they had carried out and how they had worked with the police and TDC. Mrs Howard said that they had put in additional systems on the second night, i.e. the 15 August 2020, including a one-way system. Mrs Howard confirmed that on the basis of the Prohibition Notice they had chosen not to re-open, that things do keep changing, that the Gazette had run a news story about this meeting and there had been quite a lot being shared on social media, some of which she read out to the Sub-Committee.

The meeting being conducted via a Microsoft Teams Meeting programme during which the Howards had, in the earlier part of the meeting, experienced issues with their

connection, issues that had improved once they turned their camera off, Mrs Howard was asked again if there was anything else they wished to draw to the Sub-Committee's attention or whether they felt they had asked all the questions they wanted to, viewed the videos in their entirety and told the Sub-Committee everything they wanted to. Mrs Howard said she did not have any further questions or anything else to add but wanted the Sub-Committee to bear in mind the rules at the dates of these events and the various changes.

The Sub-Committee then retired in order for the Sub-Committee to consider the review application and reach a decision. Members asked the Council's Solicitor and the Legal and Governance Administration Officer to retire with them.

**5. ADJOURNMENT OF MEETING**

The meeting was adjourned whilst the Sub-Committee made its deliberations.

**6. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) A.1 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TRUTH/PULSE (FORMERLY BENTLEYS), 5 MARINE PARADE EAST, CLACTON-ON-SEA**

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to the meeting.

The Chairman of the Sub-Committee informed all parties present that, due to the amount of evidence that they needed to consider and the various considerations that needed to be taken into account, especially in view of the various and new restrictions due to the current Coronavirus Pandemic the Sub-Committee was not able to reach a decision at this time.

The Chairman stated that therefore the Sub-Committee would make its determination by Friday 23 October 2020 in accordance with Regulation 26(2) of The Licensing Act 2003 (Hearings) Regulations 2005. All interested parties would then be informed of the decision in writing.

The Chairman then formally closed the meeting.

The meeting was declared closed at 1.10 pm

**Chairman**

# Public Document Pack

Premises / Personal Licences Sub-Committee

4 November 2020

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON WEDNESDAY, 4TH NOVEMBER, 2020 AT 10.00 AM  
IN THE MS TEAMS AND ROMM 101**

<b>Present:</b>	Councillors Casey, V Guglielmi, J Henderson and Winfield
<b>Also Present:</b>	William Moody (Essex Police), Rowan McManus (Essex Police), Ian Seeley (Solicitor, Ellisons) Baktash Roohrawan (Geisha Ltd), Nick Arora (Geisha Ltd), Charmaine Gibson (Pink Palace Hotel)
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Keith Durran (Democratic Services Officer), Marie Bryce (Temporary Licensing Support Assistant), Lisa Tappenden (Licensing Technical Officer), Mark Baker (Environmental Health Officer), Carol Archibald (Environmental Health Team Leader), Justin Baddeley (EHO Agency Officer), Karen Hades (IT Training Officer), Matt Schaffer (IT Support Officer), Matt Cattermole (Business Support Assistant).

**7. CHAIRMAN FOR THE MEETING**

It was **RESOLVED** that Councillor V Guglielmi be elected Chairman for the meeting.

**8. APOLOGIES FOR ABSENCES AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**9. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the previous meeting of the Personal/Premises Licences Sub-Committee held on Tuesday, 20 October 2020 be agreed as a correct record.

**10. DECLARATIONS OF INTEREST**

There were none.

**11. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 -  
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - KASSABA, 7-9  
MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1PS**

The Chairman (Councillor Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Officer (Emma King) 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 (Operations and Delivery) an application for the review of the Premises Licence currently held by Geisha Ltd which had been submitted by Essex Police, being a Responsible Authority.

Section 2.5 of the written report set out the current opening hours for the premises which were:-

**Sale of Alcohol only on the premises**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Performance of Dance**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Provision of facilities for dancing**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Performance of Live Music**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Provision of facilities for making music**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Performance of Recorded Music**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Provision of facilities Similar Entertainment**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Other Entertainment falling within Act**

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

**Late Night Refreshment**

Monday to Wednesday 23:00 - 01:00

Thursday to Saturday 23:00 - 02:00

Sunday 23:00 - 01:00

### **Non Standard Timings**

**Sale of Alcohol only on the premises, Performance of Dance, Provision of facilities for dancing, Performance of Live Music, Provision of facilities for making music, Performance of Recorded Music, Provision of facilities Similar Entertainment, Other Entertainment falling within Act, Late Night Refreshment**  
Christmas and New Year's Eve and Bank Holidays until 3 a.m

### **The opening hours of the premises**

Monday to Sunday 00:01 - 00:00

Christmas and New Year's Eve and Bank Holidays until 3 a.m.

It was reported that Geisha Ltd had been the Premises Licence holder since a transfer of the licence on 21 January 2019. The licence had subsequently been varied on 20 July 2020 to remove the Caribbean Restaurant off the licence. Mr Neeraj Kumar Arora had been the Designated Premises Supervisor (DPS) of the premises since 21 January 2019.

The Sub-Committee was aware that an application for the Review of the Premises Licence for Kassaba Turkish Grill and Meze had been submitted by Essex Police. This had been received by the Licensing Authority on 3 September 2020 on the grounds that the Licensing Objectives in respect of the Prevention of Crime and Disorder and Prevention of Public Nuisance had been breached.

It was the view of Essex Police that since the relaxation of lockdown rules for licensed premises, the Crime and Disorder and Public Nuisance objectives had been breached on a number of occasions at this premises, resulting in consistent calls to Police and significant disruption to neighbouring businesses.

As part of the Police evidence, "Exhibit 5" showed an underage person who had been identified to be drunk at the time by a Police Officer. Essex Police asked and the Sub-Committee agreed that the public be excluded during the showing of this video as it was in the public interest to protect the person's privacy due to their legal status as a child. Their name had been fully redacted from the submissions made by Essex Police which had been made available to the public.

It was confirmed that notice of the review application had been made and advertised in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompanied it. In particular, a notice detailing the review application had been clearly displayed on the premises concerned and on the Council's Website for the prescribed 28 day period. Periodic checks had been undertaken by the Licensing Authority to ensure that this was the case. The notice period had expired on 1 October 2020.

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

It was reported that a letter from the Council's Environmental Health Officer had been submitted supporting the review application submitted by Essex Police. This followed a visit to the premises which had demonstrated poor control regarding the prevention of risk of transmission of COVID-19 and which was considered therefore to be a public safety issue relevant to the licensing objective.

The Sub-Committee was aware that other persons could also make representations in regards to review applications. Other persons in terms of the Licensing Act 2003 could include any individual, body or business and, in accordance with paragraph 8.13 of the Section 182 Guidance issued by the Secretary of State (April 2018 version) which accompanied the Licensing Act 2003, such persons were entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, such persons could themselves seek a review of a premises licence.

Such representations had to be relevant and not be considered by the Licensing Authority as vexatious, repetitious or frivolous and could be made in opposition to, or support of, an application and could be made by any individual, body or business that had grounds to do so. The Section 182 Guidance was silent on whether representations could be made against an application for a review, or in support of the respondent to the review (which in this case was the Premises Licence holder Geisha Ltd). However, given that the Guidance was silent on this question, but clearly indicated that other persons could make representations in regards to a review and that representations could be made in support of applications, it was therefore reasonable to assume that representations could also be made in support of the Premises Licence Holder (Geisha Ltd) in this matter for due consideration by the Licensing Sub-Committee and as part of the Review application hearing process.

It was therefore reported that two letters of representations from other persons had been submitted.

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

Following Members' consideration of this review application submitted by Essex Police, Section 52 of the Licensing Act 2003 stated that Members of the Licensing Authority must, having had regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considered necessary for the promotion of the Licensing Objectives.

Those steps were:-

- (i) to modify the conditions of the licence
- (ii) to exclude a licensable activity from the scope of the licence
- (iii) to remove the Designated Premises Supervisor
- (iv) to suspend the licence for a period not exceeding three months
- (v) to revoke the licence

For this purpose, the conditions of the licence were modified if any of them were altered or omitted, or any new conditions were added as a result of this Review Hearing.

In addition to the above measures, Members were advised that it was also open to them that they may for example decide to take no action in respect of the review application, or issue an informal/formal warning letter and/or recommend improvement to the premises and its management within a particular period of time if they thought that on consideration of the facts and balance of probabilities, this was a reasonable, proportionate and appropriate approach to take in regards to this Review application.

No specific recommendation was made by Officers to the Licensing Sub-Committee in respect to this Review application other than in accordance with Section 52 of the Licensing Act 2003. Members of the Licensing Sub-Committee were asked to reasonably, proportionately and appropriately determine this application for a Review of a Premises Licence in respect of the premises and person named as the licence holder in its own right and on its own merits taking into account all matters detailed in the agenda, report and accompanying papers and any other relevant matters that could be brought up at the hearing itself by any of the parties that had an interest in this Review hearing.

William Moody, Licensing Officer for Essex Police asked if all members of the Sub-Committee had had an opportunity to read the representations. The Chairman of the Sub-Committee confirmed that this was so. Mr Moody then addressed the Sub-Committee along the following lines:-

- *Following the easing of lockdown restrictions on 4 July 2020 and the re-opening of Kassaba several incidents had been reported which had led to Essex Police writing to the premises to require immediate improvements. Despite this on two occasions CCTV evidence had not been available to the Police on request.*
- *There was evidence suggesting underage drinking of alcohol including an incident when Police had had to remove an underage male from the premises who was seen on CCTV drinking alcohol.*
- *On 3 November 2020 at approximately 4.00 p.m. a further complaint had been received.*

The Sub-Committee decided that the latest complaint could not be accepted or taken into evidence as it had not been submitted as part of the original Police evidence.

Mr Ian Seeley, Solicitor representing the Premises Licence holder, referred to Mr Roohrawan's statement where he had expressed his grave concerns that the complaints against the premises were racially motivated. Mr Seeley asked Mr Moody if these allegations had been made known to the Police. Mr Moody confirmed that these allegations were known and were being investigated though he was not aware of the outcome of that investigation. Mr Seeley confirmed that Mr Roohrawan was also not aware of the outcome of the investigation.

Mr Seeley questioned whether the underage individual had been stopped and searched. Mr Moody replied that he was not obliged to say. Mr Moody confirmed that a Police Intelligence Report had been submitted in relation to drug claims. No Misuse of Drugs Act Search Warrant had been actioned as the Police had not been in a position to follow the due legal process.

Mr Moody brought to the Sub-Committee's attention the circumstances in relation to all nine reports received associating Kassaba with incidents such as: underage drinking, nuisance, violence and lack of social distancing during the Coronavirus pandemic.

The meeting adjourned at 11:25am to enable a comfort break to be taken. The meeting then resumed at 11:40am.

Exhibit 1 was then shown to the Sub-Committee. No further questions were asked.

Mr Seeley asked if all members of the Sub-Committee had had an opportunity to read the representations. The Chairman of the Sub-Committee confirmed that this was so. Mr Seeley then addressed the Sub-Committee.

Mr Seeley brought to the Sub-Committee's attention the circumstances in relation to all 11 statements and text messages received in support of Kassaba.

Mr Seeley also brought to the Sub-Committee's attention several previous incidents of violence in the Clacton area between October 2019 and February 2020, which had all occurred before the Coronavirus pandemic.

In summary to this hearing, Mr Seeley requested that the Sub-Committee issued a warning, or recommended improvements to the premises or imposed a short suspension of the premises license and not a revocation due to the lack of compelling evidence.

Councillor J Henderson asked if those representing Kassaba could explain the actions of the Head Chef as depicted in Exhibit 4 as it showed that he had left the premises and re-entered on two occasions. Mr Arora of Geisha Ltd confirmed that 3 security officials had been on shift at the time that he had requested that the Head Chef calmed the situation due to his knowing personally the persons involved. Exhibit 4 was replayed to the Sub-Committee.

Councillor J Henderson asked Mr Arora to explain how the Coronavirus regulations were enforced at the premises. Mr Arora confirmed that he had liaised with Mr Moody, restricted the premises to 30-35 people at a time and had charged a £10 entry fee. Mr Arora also confirmed that he had ensured that customers had maintained the required 2m distance at all times with the exception of one incident involving a group of people who had been refused entry. Following the two-week warning by Mr Moody, he claimed that Mr Moody had admitted that he was happy with Kassaba's improvements.

Councillor J Henderson referred to CCTV footage which purported to show members of the public walking back and forth into the kitchen. Mr Arora claimed that this was a family friend entering the kitchen.

Councillor J Henderson also referred to the CCTV footage on 28 August at 2:15am where an incident had occurred leading to an ambulance attending the scene. Cllr J Henderson asked if the Police had been called. Mr Arora stated that the premises had been closed at that time.

Mr Moody referred to the public nuisance aspect of the case and various statements received from neighbouring hotels. Mr Moody claimed that the statements were not from



people living in the Clacton area, but previous residents of those hotels. Mr Moody stated that these statements were unsubstantiated and asked the Sub-Committee not to take them into account.

Charmaine Gibson, owner of the nearby Pink Palace Hotel, then addressed the Sub-Committee. Ms Gibson had not received an agenda pack and therefore, had been unable to read the information submitted. Ms Gibson confirmed that the Pink Palace was a family-run business and that there was no 'jealousy' on their side. On the contrary when the premises had been taken over by Mr Arora, the Pink Palace had supported the business.

Ms Gibson stated that following lockdown, incidents had occurred and that the complaints received by the Pink Palace were true. Ms Gibson also stated that the CCTV of the Pink Palace did not cover Kassaba but was zoomed for the use of Essex Police.

Mark Baker, Environmental Officer for Tendring District Council also addressed the Sub-Committee to state that the level of cleanliness at the premises had been a major concern particularly during the present Coronavirus public health emergency.

Members then retired in order for the Sub-Committee to consider the review application and reach a decision. Members asked the Council's Solicitor and the Legal and Governance Administration Officer to retire with them.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned whilst the Sub-Committee made its deliberations.

## **13. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - KASSABA, 7-9 MARINE PARADE EAST, CLACTON-ON-SEA CO15 1PS**

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to the meeting.

The Chairman of the Sub-Committee informed all parties present that, due to the amount of evidence that they needed to consider and the various considerations that needed to be taken into account, especially in view of the various and new restrictions due to the current Coronavirus Pandemic the Sub-Committee was not able to reach a decision at this time.

The Chairman stated that therefore the Sub-Committee would make its determination by Wednesday 11 November 2020 in accordance with Regulation 26(2) of The Licensing Act 2003 (Hearings) Regulations 2005. All interested parties would then be informed of the decision in writing.

The Chairman then formally closed the meeting.

The meeting was declared closed at Time Not Specified

**Chairman**

# Public Document Pack

Premises / Personal Licences Sub-Committee

3 December 2020

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## MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE, HELD ON THURSDAY, 3RD DECEMBER, 2020 AT 10.30 AM

<b>Present:</b>	Councillors V Guglielmi, Casey and Winfield
<b>Also Present:</b>	Councillor I Henderson
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Keith Durran (Democratic Services Officer), Karen Hards (IT Training Officer) and Emma King (Licensing Officer)
<b>Also in Attendance:</b>	Mr Ray Dowsett, Mr Parker and Ms Pollard

### 14. CHAIRMAN FOR THE MEETING.

It was **RESOLVED** that Councillor V Guglielmi be elected Chairman for the meeting.

### 15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor J Henderson sent her apologies.

### 16. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the previous meeting of the Personal/Premises Licences Sub-Committee held on Tuesday, 4 November 2020 be agreed as a correct record.

### 17. DECLARATIONS OF INTEREST

There were none.

### 18. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE LTD, 1 MIDLAND HOUSE HARWICH, CO12 3PS

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Ray Dowsett of DCS Enterprise Ltd and made introductory remarks.

The Council's Licensing Manager (Karen Townsend) 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 (Operations and Delivery) an application for the grant of a premises licence for DCS Enterprise Solutions Ltd.

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

Mondays to Sundays 1200 to 0200

Section 3.0 of the written report set out the proposed licensable activities which were:-

Sale of Alcohol on and off the Premises Mondays to Sundays 1200 to 0200

Late Night Refreshment Mondays to Sundays 2300 to 0200

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

Members were further informed that three letters of objection had been received, two from residents and one from Councillor I Henderson, the local Ward Member in relation to this application.

No representations had been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the applicants to give representations to the Sub-Committee.

Mr Dowsett, Director of DCS Enterprise Ltd, explained that they had owned the property for many years, and had let it out to an external contractor. The property had now returned to them and they were in the process of refurbishing it so they could operate it as a restaurant.

The Sub-Committee heard how he had worked on the application with Officers from the Council's Licensing Section and that the only objections he had received were the three objections that the Sub-Committee had also received.

Councillor Ivan Henderson then addressed the Sub-Committee as an objecting party in relation to the application and its opening hours, especially the selling of alcohol on and off the premises until 02:00. He explained that the premises was in his Ward and that it was close to a number of residential properties. He believed that the opening hours would attract a large foot fall of customers late at night after other establishments had closed and that would cause antisocial behaviour as there was limited public transport available to leave the area. He also mentioned that there was a flat above the premises and asked the Sub-Committee to consider the people living there when deliberating granting a licence.

Mr Parker, a member of the public, spoke as an objecting party in relation to the application and said he fully endorsed what Councillor Henderson had said but added that he didn't believe the signage on the premises, asking its customers to be respectful of the local area when leaving, would be adhered to by the customers after they had consumed alcohol. He also believed that the available car parking in the area was insufficient and that the lack of public transport, combined with the late hours of the premises could lead to increased drink driving.

Ms Pollard a member of the public, spoke as an objecting party in relation to the application agreed with what Mr Parker had said in relation to parking but added that she believed the customers leaving the local Weatherspoon's would cause a nuisance on their way to that premises.

In response, Mr Dowsett explained that the Company had managed multiple premises though out Colchester and Tendring with no noise complaints and whilst he didn't believe parking was legally an objection for a licence, he assured the Sub-Committee that there was adequate parking on site as they owned the flats above the shops and all 3 retail units that were connected together.

The Chairman asked Mr Dowsett what time did these other premises close. In response Mr Dowsett stated that these premises usually closed around midnight. He further stated that he was willing to compromise on the 02:00 closing time and assured the Sub-Committee that it would not be an establishment in which they would have customers turning up at midnight for a drink.

The Members asked if the premises was big enough for a restaurant and when would it ready to open. Mr Dowsett confirmed that it would be big enough and that they were also 'knocking through' to the unit next door and that the establishment was a week away from opening.

Ms Pollard informed the Sub-Committee that she didn't agree with the comments from Mr Dowsett in relation to parking in the area.

Councillor I Henderson asked that the opening hours be reviewed as he didn't believe that they were conducive to the residential amenity of the local area.

Mr Parker reiterated his belief that the car parking provision was insufficient.

Councillor Casey stated his concern about the opening hours and the possibility of a noise problem as he thought a night club would be an issue in that location.

Mr Dowsett assured the Sub-Committee in response that the venue was not a night club and that he had procedures in place to control the premises. He also said that the parking on site was suitable but that he was unsure how that was legally applicable to the licence application. Mr Dowsett reconfirmed that he was willing to compromise on the opening hours.

Members asked Karen Townsend (Licensing Manager) for a list of other venues in the locality and their opening times. She explained that the demographic in the area was more towards local pubs with Friday-Saturday opening until 01:30 and Monday till Thursday until 00:30. Another one of Mr Dowsett's premises was open until 01:00 and the local Weatherspoons was open until 01:00 on the weekend and 00:00 on weekdays. Take-aways with refreshment were open until around 00:00 with the exception of the McDonalds which was open 24hrs, Dominoes which was open for 23 hours and Tasty Take Away which was open until 02:00.

Councillor I Henderson informed the Sub-Committee that he was a member of the Harwich Tourism Group and that the last thing he would want was to push new businesses away as they tried to increase footfall into the town. However, he believed that businesses also had to have the wellbeing of the local residents in mind and he reiterated that his principal concern was in relation to the late opening times.

Mr Dowsett thanked Karen Townsend (Licensing Manager) for the list of opening hours and said that he would be more than happy to reduce the permitted opening hours by an hour so as to fall in line with the other local businesses.

Ms Pollard once again mentioned that she did not believe the parking in the area was sufficient.

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

**19. ADJOURNMENT OF MEETING**

**20. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1  
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE LTD, 1 MIDLAND HOUSE HARWICH, CO12 3PS**

After some discussion the Sub-Committee returned with its decision and the meeting resumed. The Sub-Committee's decision was as follows:-

*"The conclusion we've come to for application number 20/00510 is to grant a premises licence in respect of DCS Enterprise Solutions Ltd. 1 Midland House, Harwich.*

*The Sub-Committee has given careful consideration to this application and in reaching our decision we have taken into account the views expressed by the applicant, the representations received by residents, along with the guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own statement of licencing policy.*

*The decision of this Sub-Committee is to grant this application in part. Having heard Mr Ray Dowsett on behalf of the applicant, Councillor Ivan Henderson, the ward Councillor, as well as Philip Parker and Lesley Pollard, the Sub-Committee has decided to grant the application for the sale of alcohol, on and off the premises, and late night refreshments. The Sub-Committee has decided to grant the licence as follows: Monday to Thursday until 00:00, Friday & Saturday until 01:30 and Sunday until 00:00.*

*In reaching this decision the Sub-Committee has paid attention to the issues raised around the opening hours and the issues that may arise from the opening of various premises and has been advised of the hours of other premises, of a similar nature, in and around the area, the type of area this premises is situated in and the nature of the business as well as the manner in which they are run.*

*If there are any particular issues with any premises then in the first instance, they would normally be raised with the managers of the premises themselves, and depending upon the nature of the issues, potentially with the relevant authorities.*

*It is understood that Mr Dowsett already runs a number of other establishments in the area and he has demonstrated a willingness to work with the authorities. Indeed he has indicated to the Sub-Committee today a willingness to compromise and to discuss matters, and such attitudes are to be encouraged at all times.*

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*Finally, we must mention that all parties that are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates Court. This decision was made today, 3<sup>rd</sup> of December 2020 and will be confirmed in writing to all parties.”*

The meeting was declared closed at 11.40 am

**Chairman**

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 12TH FEBRUARY, 2021 AT 10.00 AM**

<b>Present:</b>	Councillors V Guglielmi, J Henderson, Winfield and Skeels
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Karen Harde (IT Training Officer) and Keith Durran (Democratic Services Officer)
<b>Also in Attendance:</b>	William Moody, Licensing Officer, Essex Police, Ronan McManus (Essex Police), David Davies (Solicitor representing The Sailor Boy Public House), Donna Reck (Designated Premises Supervisor and Licensee), Scott Brooks (CCTV Specialist), Gary Layzell (Security Guard, Hutleys Caravan Park) and Andreas Allan (Employee of The Sailor Boy Public House)

**21. CHAIRMAN FOR THE MEETING**

It was moved by Councillor J Henderson, seconded by Councillor Winfield and:-

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

**22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**23. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 3 December 2020 were approved as a correct record.

**24. DECLARATIONS OF INTEREST**

There were none.

**25. EXCLUSION OF PRESS AND PUBLIC**

The Council's Senior Solicitor Linda Trembath read out a statement regarding the exclusion of press and public.

We are about to start the main business this meeting has been organised to consider. As the agenda for the meeting correctly states, this is the consideration of an application for the review of a Premises Licence. Before we do so, I want to make a few points for the public record.

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Firstly, by way of background, a premises Licence is the principal way that activities regulated under the Licensing Act 2003 can be authorised, normally, on a continuing basis at a premises. Those activities could be one or more of the following:

- Regulated Entertainment – such as live and recorded music, performances of dance, films and plays,
- Provision of late night refreshment – such as hot food and drink after 11pm
- Supply of alcohol – to then be consumed on and off the premises.

The Licensing Authority for premises Licences in the District of Tendring is this Council.

A review of a premises licence is a formal process that can be triggered by a responsible authority such as the Police or by the public. The outcome of a review could be one of the following, we:

- Decide that no action is necessary to promote the licensing objectives
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

There is then a right of appeal in respect of the decision we reach, and such appeal would be to the Magistrates' Courts.

In the case of today's hearing the Premises Licence concerned is:

The Sailor Boy Freehouse  
Beach Road in St Osyth

An application for review of the Premises Licence was made on 23 November 2020. The application was made by Essex Police on behalf of the Chief Constable.

As a consequence of the required notice for reviews, others were invited to make representations by 21 December 2020. No representations were received from anyone else in that timeframe. As such, the review is solely concerned with representations from Essex Police as set out in their review application. This is the main business this meeting will go on to consider.

The Regulations that govern hearings such as this normally provide for them to be held in public. However, we may exclude the public from all or part of a hearing where we consider that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Police have asked the Council to consider the review application with the public excluded. On the basis of the Police submission, in this particular case, I do believe that the public interest in ensuring the proper functioning of the criminal justice system outweighs the public interest in holding this review in public. As such, I will be asking the Sub-Committee to agree to exclude the public. For completeness, this decision will be made under the powers available in Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

Having made my statement, I now ask the Sub-Committee Members to confirm that they agree to the public being excluded on the basis set out by me.”

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

**RESOLVED** – That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

Report of Corporate Director (Operations and Delivery)

B.1 - Application for the Review of a Premises Licence.

The meeting was declared closed at 1.45 pm

**Chairman**

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# Public Document Pack

Premises / Personal Licences Sub-Committee

14 June 2021

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON MONDAY, 14TH JUNE, 2021 AT 10.00 AM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Davis, V Guglielmi, J Henderson and Winfield
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Executive Projects Manager), Michael Cook (Temporary Licensing Manager), Emma King (Licensing Officer), Emma Haward (Leadership Support Officer), Chloe Blackwell (Technical Licensing Officer), Matthew Cattermole (Communications Assistant).

**27. CHAIRMAN OF THE MEETING**

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

**RESOLVED** – that the Councillor Winfield be elected as Chairman for the meeting.

**28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies received from Councillor Coley, substituted by Councillors V Guglielmi.

**29. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 12 February 2021 were approved as a correct record.

**30. DECLARATIONS OF INTEREST**

There were none.

**31. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENSE - OAKMEAD SOCIAL CLUB, OAKMEAD ROAD, ST OSYTH, CO16 8NW**

The Chairman (Councillor Winfield) welcomed everyone to the meeting and made introductory remarks.

The Council's Temporary Licensing Manager (Michael Cook) 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 (Operations and Delivery), an application for the grant of a Premises Licence in respect of Oakmead Social Club, Oakmead Road, St Osyth, CO16 8NW.

This application was made under the Licensing Act 2003 for a Premises Licence to include indoor sporting events, live music, recorded music, late night refreshment and the sale of alcohol on the premises.

The premises was a bar and Chinese restaurant, with smoking area, beer garden and large car park. Situated off the main road in a residential area.

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

Sundays to Thursday	1200 to 0000
Fridays and Saturdays	1200 to 0200

### **PROPOSED LICENSABLE ACTIVITIES**

#### **Indoor Sporting Events**

Mondays to Thursdays	1900 to 2300
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#### **Live Music**

Wednesdays	1900 to 2300
Fridays and Saturdays	1900 to 2300
Sundays	1400 to 1600
	1900 to 2200

#### **Recorded Music**

Mondays to Thursdays	1200 to 2300
Fridays to Sundays	1200 to 0000

#### **Late Night Refreshment**

Sundays to Thursdays	2300 to 0000
Fridays and Saturdays	2300 to 0200

#### **Sale of Alcohol on the Premises**

Sundays to Thursdays	1200 to 0000
Fridays and Saturdays	1200 to 0200

### **STEPS THAT APPLICANTS PROPOSED TO TAKE TO PROMOTE THE LICENSING OBJECTIVES WITHIN THEIR OPERATING SCHEDULE**

The applicant stated the following steps in the application to promote the licensing objectives. These measures were reproduced as shown in the application form and are detailed below for ease of reference. These were:

#### **Crime and Disorder**

Premises and outside areas are monitored by CCTV. Any suspicious activity will be reported to the Police.

#### **Public Safety**

Premises and outside areas are monitored by CCTV. Appropriate fire safety is in place with regard to exits and fire control equipment. First Aid equipment is available on the premises.

**Prevention of Public Nuisance**

Noise from any live or recorded music will be contained within the premises which has double glazed windows and a lobby.

When drinking in the beer garden, customers will be monitored on noise level.

**Protection of Children from Harm**

Children with only responsible adults will be admitted to the premises.

No alcohol will be sold to under 18 year olds and proof of age will be asked for when appropriate.

When children are present appropriate language and behaviour will be expected and monitored from other customers.

General Information in support of the application in relation to all of the licensing objectives.

Staff are aware of contacts to be made in case of any emergencies. Staff will be instructed and made aware of other steps listed.

21 letters of representations/objections and 2 letters of support were received.

As standards procedure, all relevant authorities were consulted. No representations were received from any other Responsible Authorities.

The following papers were attached as part of the agenda for Members of the Sub-Committee only:-

- (i) Application form and any supporting documentation.
- (ii) Location Plan.
- (iii) Representation/objection letters

Copies of all documentation concerning this application were also available from Licensing Section upon request.

The applicant advised the Committee that previously, a customer was charged for an offence relating to Anti-Social Behaviour. Various items were destroyed. Ms Kung advised most customers are elderly. Complaints were received regarding litter, the applicant advised that the litter from passers-by is regularly cleared and disposed of. The license was to extend the premises opening hours.

Councillor Henderson asked what the relationship with residents was like. Ms Kung advised relationships were friendly with the exception of the individual in which she explains above.

A resident read a letter in support of the application.

Councillor Winfield asked if the premises advertised the legal age in which alcohol would be sold. The representative of the applicant confirmed that 18 years of age was the legal age to drink alcohol in the premises.

Councillor Davis acknowledged the letters of objection received. The letters exercised the 2am finish. Councillor Davis suggested making the provision to apply for a special licences when late openings are required.

The applicant's representative asked whether there would be a compromise in the Committee's decision to potentially close the premises at 1200hrs.

A resident, on behalf of St Osyth Parish Council read a letter against the application.

Councillor John White, on behalf of St Osyth Parish Council spoke in support of the application.

The applicant advised that a decision to extend opening hours to 12am would be suitable.

### **32. ADJOURNMENT OF MEETING**

The meeting was adjourned whilst the Sub-Committee made its deliberations.

### **33. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENSE - OAKMEAD SOCIAL CLUB, OAKMEAD ROAD, ST OSYTH, CO16 8NW**

After a period of time, the Sub-Committee, the Council's Solicitor and the Leadership Support Officer returned to the meeting.

The Chairman read the following statement:-

1. The Sub-Committee gave careful consideration to this application. In reaching their decision, they took into account the views expressed by the applicant, the representations received from residents and the Parish Council and the Resident's Association along with Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.  
The Sub-Committee **DID NOT AGREE** to grant the application in full but agrees to the sale of alcohol on the premises and late refreshments until 0000 Mondays to Sundays, in relation to Indoor Sporting Events, Live and Recorded Music, these were agreed as the applicant asked for. The Sub-Committee noted what the application said about her previous record and the issues in the last year were primarily down to a tenant that she had let the premises to. However, the running of the Social Club is still this applicant's responsibility.
2. Whilst the Sub-Committee accept that the applicant would not be responsible for littering the area around the premises, she was to encourage people to dispose of litter in receptacles around the premises or to take it home to safely dispose of, and also to undertake regular litter picks around the exterior of the premises to improve the area for all.
3. If residents have any concerns in the future with reference to Anti-Social Behaviour and noise to contact the Licensing Team.

Finally, the Chairman advised that all parties who were aggrieved at the decision of the Sub-Committee, they have the right of appeal to the Magistrates' Court.

The decision was made today, 14 June 2021 and would be confirmed in writing to all parties.



**REVISED LICENSABLE ACTIVITIES:**

**Indoor Sporting Events**

Mondays Thursdays 1900 to 2300

**Live Music**

Wednesdays 1900 to 2300

Fridays and Saturdays 1900 to 2300

Sundays 1400 to 1600

1900 to 2200

**Recorded Music**

Mondays to Thursdays 1200 to 2300

Fridays to Sundays 1200 to 0000

**Late Night Refreshments:**

Mondays – Sundays 2300 to 0000

**Sale of Alcohol on the Premises:**

Mondays – Sundays 1200 to 0000

The Chairman then formally closed the meeting.

The meeting was declared closed at 12.00 pm

**Chairman**

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# Public Document Pack

Premises / Personal Licences Sub-Committee

13 August 2021

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 13TH AUGUST, 2021 AT 1.00 PM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Coley, V Guglielmi, J Henderson and Casey (Standby Member)
<b>Also Present:</b>	Peter Vaughan (Licence Holder, British Flag), Ronan McManus (Senior Licensing Officer, Essex Police)
<b>In Attendance:</b>	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer), Lisa Tann (Licensing Technical Officer)

**34. CHAIRMAN OF THE MEETING**

It was moved by Councillor J Henderson, seconded by Councillor Coley and:

**RESOLVED** – That Councillor V Guglielmi be elected as Chairman for the meeting.

**35. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence, or substitutions on this occasion.

**36. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 14 June 2021 were approved as a correct record and signed by the Chairman.

**37. DECLARATIONS OF INTEREST**

There were none.

**38. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- BRITISH FLAG, 56 WEST STREET, HARWICH, ESSEX CO12 3DD**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Michael Cook) 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 (Operations and Delivery), an application for the variation of a Premises Licence held in respect of the British Flag, 56 West Street, Harwich, Essex CO12 3DD.

The application had been made under the Licensing Act 2003 to request an increase of the opening hours and the sale of alcohol hours.

Section 2.2 of the written report set out the current opening hours of the premises which were as follows:-

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

**Sale of Alcohol on and off the premises**

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

**Performance of Live Music**

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

**Performance of Recorded Music**

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

**Other Entertainment falling within Act**

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

**Non Standard Timings**

Sale of Alcohol on and off the premises, Performance of Live Music, Performance of Recorded Music, Other Entertainment falling within Act

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, Midnight on 31 December).

Section 3.1 of the written report set out the proposed licensable activities which were the subject of the variation application as follows:

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### Opening Hours

Monday to Thursday	1000 – 0030
Friday and Saturday	1000 – 0230
Sunday	1200 – 0000

### Sale of Alcohol on and off the premises

Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0200
Sunday	1200 – 2330

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

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

It was further reported that one representation had been received from Essex Police with the following comments:

*Essex Police decided that the application posed a risk to the residents of Harwich and formally objected to the variation on the 14th of July 2021. Essex Police made this objection under the Crime and Disorder and Public Nuisance licensing objectives.*

Full details of those objections were included in Essex Police's supplementary bundle which was attached to the Officer report.

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) Hours of Trading

The Sub-Committee also had before it the Applicant's Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the Applicant, Admiral Taverns Limited to give representations to the Sub-Committee.

Peter Vaughan of Admiral Taverns, the Licence Holder for the British Flag was present. He explained that he had agreed with Essex Police to vary the hours applied for which would now be only 30 minutes more on a Friday and Saturday than the existing Licence as follows:-

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Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0130
Sunday	1200 – 0000

Mr Vaughan explained that in all of the other businesses that he ran he believed that he complied with all of the Licensing Objectives. He had been running businesses for 37 years. He stated that though he lived in Chelmsford he visited the British Flag 2 or 3 days a week. He said that he knows the local area well. He said that the complaints received had been in relation to music but that the application before the Sub-Committee was only to extend the times for the sale of alcohol. He said that the beer garden was not in use after 11.30 p.m.

Mr Vaughan explained that he operated a closed door policy with no under 18s on the premises after 8.00 p.m. Any adults with children must remain sober.

He explained that there was no entry after 10.00 p.m. Mondays – Thursdays, no entry after 11.00 p.m. Fridays and Saturdays and no entry after 9.00 p.m. on Sundays.

The Chairman then asked if any Members had questions that they would like to ask Mr Vaughan.

Mr Vaughan was asked why he wanted to extend the hours of the pub, i.e. what was the justification. Mr Vaughan explained that he wanted to tap into the local market for 40-55 year olds that worked on the lighthouse and the windfarms who finished their shifts around 8.30 p.m. – 9.00 p.m. and only arrived at the pub at 10.00 p.m. Those individuals generally stayed locally in Bed & Breakfast accommodation and they were older people who did not want loud music. He just wanted to provide an period of 30 minutes drinking time.

Mr Vaughan was then asked to explain the resident's concerns about the noise in the back garden and that on one occasion the noise had been heard until 2.30 a.m and the Police had been contacted. Residents were claiming that the doors had been left open. He said that since lockdown had ceased when he had re-opened it had not been beyond Midnight.

Ronan McManus, Senior Licensing Officer for Essex Police was also in attendance and the Chairman then invited him to give representations to the Sub-Committee.

Mr McManus explained that Essex Police felt that the initial application to extend the opening hours of the premises would have had a significant impact on local residents. Essex Police were also concerned that if the hours were extended it would set a precedent for other Licenced Premises in the area.

He explained that on 15 July 2021 Darren Kelly of Admiral Taverns had contacted William Moody, the District Licensing Officer for Essex Police and had agreed in principle an extra half-an-hour on Fridays and Saturdays only with the last entry to the premises being one hour before closing time. Those hours and conditions had been subsequently confirmed by Admiral Taverns.

He explained that the last incident of note on the Police records in relation to the premises had occurred on 30 November 2019. There had been no incidents of note in

the last year but due to the pandemic the premises had not been open for much of that time.

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 the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

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

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 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 but agrees to the sale of alcohol on the premises until 01.30 Fridays and Saturdays only and on the condition that no entry is allowed after 00.30.
3. The Sub-Committee takes this opportunity to remind the Applicant of the other conditions on its licence, including when the doors and windows must be closed, and the use of the smoking area which is for that alone and not for drinking.
4. The Sub-Committee also recommend that measures should be taken to ensure that customers to the Premises leave quietly including for example that calming and soothing winding-down music is played; lights are increased; and customers are reminded to open and close doors quietly and not to talk or sing loudly, or communicate at excessive volume.

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

This Decision was made today, 13 August 2021 and will be confirmed in writing to all parties.

The meeting was declared closed at 2.10 pm

**Chairman**



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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON THURSDAY, 19TH AUGUST, 2021 AT 10.05 AM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors V Guglielmi, McWilliams, Winfield and Casey (Stand-by Member).
<b>Also Present:</b>	Mr Ralph Davis, Mrs Jane Davis and Miss Abbi McCutcheon.
<b>In Attendance:</b>	Michael Cook (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Debbie Bunce (Legal and Governance Administration Officer) and Lisa Tann (Licensing Technical Officer)

**39. CHAIRMAN OF THE MEETING**

It was moved by Councillor Winfield, seconded by Councillor McWilliams and:

**RESOLVED** – That Councillor V Guglielmi be elected as Chairman for the meeting.

**40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence, or substitutions on this occasion.

**41. DECLARATIONS OF INTEREST**

Councillor McWilliams declared as a point of information for the public record that she was the Ward Member for The Bentleys and Frating, which was the adjacent ward to Alresford and Elmstead Ward in which the premises in question was located.

**42. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1  
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SNOOTY FOX,  
FRATING ROAD, GREAT BROMLEY, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Michael Cook) 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 (Operations and Delivery), an application for the grant of a Premises Licence in respect of The Snooty Fox, Frating Road, Great Bromley..

The application had been made under the Licensing Act 2003 for a Premises Licence to be granted which would include the sale of alcohol on and off the premises, the performance of live music, the playing of recorded music, the performance of dance, and the provision of late night refreshment.

The Sub-Committee was informed that this Premises was a public house complete with a beer garden/decking area attached to and within the grounds of the public house. The area also included a car parking area if required for Weddings or other events.

Section 2.2 of the written Officer report set out the proposed opening hours of the premises which were as follows:-

## **2.2 PROPOSED OPENING HOURS**

Mondays to Saturdays	1000 to 0130
Sundays	1000 to 2230

## **3.0 PROPOSED LICENSABLE ACTIVITIES**

### **3.1 Live Music**

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

### **3.2 Recorded Music**

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

### **3.3 Performance of Dance**

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

### **3.4 Anything of a Similar Description of Live Music, Recorded Music or Performance of Dance**

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

### **3.5 Late Night Refreshment**

Mondays to Saturdays	2300 to 0000
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### **3.6 Sale of Alcohol on and off the premises**

Mondays to Saturdays	1000 to 0130
Sundays	1000 to 2230

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

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

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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 Sub-Committee also had before them the Applicant's Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the Applicant, Snooty Fox Bromley Ltd to give representations to the Sub-Committee.

Mr Ralph Davis assisted by his wife Mrs Jane Davis, who were two of the Applicants advised the Sub-Committee that they had been running public houses since 1989. They had begun with The White Horse in Capel St Mary and then The Brewers Arms in Colchester, where they were still the Licensees.

They explained that they had always worked co-operatively with Police Licensing Officers and that they were responsible Licence holders.

The Chairman asked if any Members had questions that they would like to ask Mr and Mrs Davis.

Members expressed concern about the item regarding any adult entertainment or services ancillary to the use of the premises whereby they had stated the following in their application:

*Stag and and Hen Parties*  
*Strippers*  
*Drag Queens*  
*Stand-up Comedians*  
*Gaming Machines.*

Mr Davis explained that when they had applied for their Licence in Colchester they had been given a list of what activities they were able to apply for and so they had picked all of the activities listed. They had therefore asked for the same items when applying for the current Licence. They explained that they did not intend to have strippers etc, but that if there was a hen party or stag do at the pub then it would allow the party to have a stripper-gram as the Licence would cover those occasions. The premises was primarily going to be a restaurant which was why they had asked for music to be included in their Licence. They also wanted to be able to provide live music for occasions when someone was having a birthday party and wanted to have a live band.

Members asked whether they had taken on board the advice of the Council's Licensing Team and they said that they had.

Mr Davis further explained that they had applied for the hours that the pub had previously been granted but that they had not known that the pub had been closed for the past three years, this was therefore not a transfer of the existing licence application but was in fact a completely new application for a fresh licence.

Mr Davis was asked whether if there was music outdoors could the noise levels be controlled and he advised that they would never be live music outdoors and any activities outside would be very infrequent.

Mr Davis explained that outside there was a decking area and smokers were encouraged to use the front of the area so that they were not near to the restaurant or kitchen area and the drinkers and those patrons with children were requested to use the rear of the decking area. After 7.00 p.m once children had left, the smokers were asked to then use the rear area to take them away from the neighbouring properties and so avoid any excessive noise. If there was any entertainment indoors, the doors and windows would be closed.

The Chairman then asked those persons present who had made representations/objections if they wished to address the Sub-Committee.

Mr Olly Pittman then addressed the Sub-Committee. He explained that he had live at his present address for ten years. He said that because of the excessive noise from the pub previously he had considered moving house. He did not feel the need for the pub to be open until 1.30 a.m. and that he felt that 11.00 p.m. or 12 Midnight would be sufficient and then that would not be an issue for him.

Mr Paul Willey then addressed the Sub-Committee.

He explained that there had been instances when someone had urinated up the side boundary wall at his house and also that he had found beer bottles in his garden. He said that these incidents were a nuisance but he felt that it did not warrant reporting to the Police. He said that he had two young children who slept in the bedroom at the front of the house and the side so he was concerned about excessive noise. He explained that he had previously supported the pub and said that he would do so again.

The Sub-Committee then asked further questions of Mr Davis regarding the opening hours and Mr Davis confirmed that they had only applied for the hours that the pub had previously been granted on the previous licence but that they were willing to reduce the hours of operation.

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 the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

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

- “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 Applicants, 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 sections of the application that are not agreed are for the sale of alcohol on and off the premises to 01.30 hours Mondays to Saturdays and the performance of dance, live music, recorded music and late night refreshments until midnight Mondays to Saturdays.*

*These hours were not granted because the Sub-Committee recognise that this is a country pub and importantly, because the Applicants, having spoken to their new neighbours acknowledge that the hours sought, albeit it is believed they were similar to the hours that the premises previously had when known as the White Rose, may be excessive and had indicated that they were quite willing to reduce the hours.*

3. ***HOWEVER, SUBJECT TO PARAGRAPH 2 ABOVE,** the Sub-Committee has decided to grant the application as follows. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply, in order to satisfy the relevant Licensing Objective.*

*Sale of Alcohol on and off the premises:*

*Mondays to Saturdays – 10.00 to 23.30 hours  
Sundays – 10.00 to 22.30 hours*

*Performance of dance, live music, recorded music and late night refreshments:*

*Mondays to Saturdays – 10.00 to 23.30 hours indoors only, and  
Sundays – 10.00 to 22.30 hours indoors only.*

*Events in the garden or parking area of the public house, including live music, must not exceed more than 6 occasions per calendar year. Events in the garden or parking area must not occur or take place beyond dusk or 19.00 hours, whichever is the later on the 6 occasions.*

*In terms of non-standard timings, i.e. bank or public holidays, Christmas Eve or New Year’s Eve, the timings will be as follows:*

*Sale of alcohol on and off the premises – 10.00 to 01.30 hours  
And*

*Performance of dance, live music, recorded music and late night refreshment –  
10.00 to 01.00 hours*

*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, 19 August 2021 and will be confirmed in writing to all parties.*

The meeting was declared closed at 11.24 am

**Chairman**

## LICENSING AND REGISTRATION COMMITTEE

14 OCTOBER 2021

### REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY)

#### A.1 HACKNEY CARRIAGE FARES

(Report prepared by Michael Cook)

#### PART 1 – KEY INFORMATION

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

For the Committee to consider a letter from the Tendring Taximeter Forum requesting both an increase in the scale of fares, and a change in distance for which the fare is calculated that is currently operative within the District, which was received on 9 August 2021. The letter is attached as Appendix 'A1' to the report.

##### **EXECUTIVE SUMMARY**

The Committee last granted a fare increase effective from 15 August 2018.

Should the Committee decide to grant an increase to the table of fares, such increase must be advertised in the local press and any representations received placed before the next available meeting of the Licensing and Registration Committee for the consideration of Members.

##### **RECOMMENDATION**

- a) That the Licensing and Registration Committee determines whether or not to grant an increase to the table of fares operative within the District, as set out in Part 3 of this report.
- b) That, subject to (a), authority is granted to the Licensing Manager to proceed with the public notice of the intention of the Council to increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the request made.
- c) That, subject to (b) above, any representations received in response to the said public notice be considered by the Licensing and Registration Committee.

#### PART 2 – IMPLICATIONS OF THE DECISION

##### **DELIVERING PRIORITIES**

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

- Building a thriving local tourism industry for Tendring.

## FINANCE, OTHER RESOURCES AND RISK

### Finance and other resources

The cost of two press advertisement required to notify the public of the intention to increase the Hackney Carriage Fare Scale can be met from within the approved 2021/2022 Revenue budget.

### Risk

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

## LEGAL

If the Committee are minded to grant the request, public notice must be given in at least one local newspaper of the intention of the Council to increase the Hackney Carriage fare scale in accordance with the provisions of Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

## OTHER IMPLICATIONS

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

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

### CRIME AND DISORDER

There are no Crime and Disorder implications

### EQUALITY AND DIVERSITY

There are no Equality and Diversity implications.

### CONSULTATION AND PUBLIC ENGAGEMENT

The proposed fare increase will be advertised, thus allowing public debate.

All comments generated by the advertisement will be considered by the Committee as part of the decision making process.

### AREA/WARDS AFFECTED

All wards

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

Below is the current Fare Tariff which came into effect on 15 August 2018.

- |   |   |
|---|---|
| <b>1. MILEAGE</b>   |   |
| (a) If the distance does not exceed 200 yards for the whole distance  | <b>£3.00</b>                              |
| (b) For each subsequent 200 yards or uncompleted part thereof in addition to (a) above  | <b>.20</b>                                |
| <b>2. WAITING TIME</b>  |   |
| For each period of 60 seconds or uncompleted part thereof   | <b>.20</b>                                |
| <b>3. EXTRA CHARGES</b>   |   |
| (a) For hirings throughout Sundays and throughout all Bank and Public Holidays and for hirings commencing after Midnight and before 6 a.m. Mondays to Saturdays inclusive | <b>One-half of the above rate of fare</b> |
| <b>Note: When the Bank and Public Holiday charge is payable, the Sunday and night charges are not payable</b>   |   |



(b)	For each article of luggage conveyed [Luggage means suitcases or trunks but not smaller items such as a briefcase or carrier bag]	<b>.20</b>
(c)	For each person in excess of one	<b>.20</b>
(d)	For each bicycle or non-folding pram	<b>.20</b>
<b>4.</b>	<b><u>MULTI-SEAT VEHICLES</u></b> When used to carry more than 4 passengers or a greater amount of luggage than can be conveyed in a four-seater	<b>Add one-half of the rates specified in 1 or 3(a) above</b>
<b><u>Note:</u> When this charge is payable no further extra charges are applicable.</b>		
<b>5.</b>	<b><u>CHRISTMAS AND NEW YEAR PERIODS</u></b> For the Christmas Period – 6 p.m. on 24 December until 7a.m. on 27 December For the New Year Period – 6 p.m. on 31 December until 7.am. on 2 January	<b>DoubleTariff 1</b>
<b>6.</b>	<b><u>MULTI-SEAT VEHICLES – CHRISTMAS AND NEW YEAR PERIOD</u></b> When used to carry more than 4 passengers or a greater amount of luggage than can be carried in a four seater for the days and times set out in Paragraph 5 above	<b>Double Tariff 1 plus 50%</b>
<b>7.</b>	<b><u>DAMAGE AND SOILAGE CHARGE</u></b> The driver may recover costs under Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 from the hirer who will be responsible for any damage to (or human discharge left in) the taxi, which has been caused by the action of the hirer or travelling companion(s), and the hirer will be liable to meet the full cost of restoration work required to make good the effects of the aforementioned damage and/or human discharge.	
<b>8.</b>	<b><u>CARRIAGES FOR THE DISABLED</u></b> (No extra charges for wheelchairs)	<b>Fares as specified in 1,2 and 3 above</b>
A comparison table of cost of the existing tariff and the proposed tariff is attached as Appendix A2 to this report.		
A comparison table of the proposed tariff and other local authorities within the Essex area is attached as Appendix A3 to this report.		

## CONCLUSION

Officers feel that, owing to the increases in fuel, vehicle maintenance and insurance, and that there has been no request for an increase to the fare tariff since 2018, that there is merit in the Committee giving consideration to this request.

## BACKGROUND PAPERS FOR THE DECISION

None

## APPENDIX

Appendix A1 - Letter from Tendring Taximeter Forum - Dated 09 August 2021  
Appendix A2 - Comparison Fare Table Showing Effect of Tariff Changes  
Appendix A3 - Comparison Fare Table – Comparison with Other Authorities in Essex

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**From:** chris.thomas  
**Sent:** 09 August 2021 08:03  
**To:** Licensing Section; Taxi  
**Cc:** Colin Bennett  
**Subject:** Fare increase application

Dear Licensing,

This is an official application for a taxi meter fare increase on behalf of a number of taxi owners. It is a very simple change.

It is proposed to change the 200 yard distances to 185, keeping the ring-on at £3.00 and subsequent drops at 20p.

Thus, for the first 185 yards or part thereof, £3.00.

For each subsequent 185 yards, 20p

Waiting time to be changed to each period of 40 seconds for 20p.

These changes will put Tendring more in line with Colchester and Chelmsford.

Everything else to remain with the same wording.

I will supply useful detailed figures in a separate email.

Kind regards

Chris Thomas  
TENDRING TAXIMETER FORUM

**From:** mr.chris.thomas  
**Sent:** 09 August 2021 08:09  
**To:** Licensing Section; Taxi  
**Cc:** Colin Bennett  
**Subject:** Taxi fares application

Dear Licensing,

This email accompanies the TTF taxi fare increase application.

The TDTA no longer appears to exist and only had about seven members (including myself) when it did last year, two of whom have passed away. So the TENDRING TAXIMETER FORUM has formed to deal with the specific issue of taxi fares, and nothing else.

The new application, reducing the distance of meter drops from 200 to 185 yards, increases fares:

At 1 mile from £4.60 to £4.80 (+4.3%),

At 2 miles from £6.40 to £6.80 (+6.3%)

At 3 miles from £8.20 to £8.60 (+4.9%)

Last time we had a meter increase, in 2018, the Council badly miscalculated the figures, once Councillors had slashed back the application. (See attached).

Previously, after the initial ring-on, we had 35p each fifth of a mile, being £1.75 p.m.

$(35p \times 5 = 175p)$

The new scale given was 20p for 200 yards, being £1.76 p.m.

$(20p \div 200yds \times 1760yds = 176)$

The Council claimed this was an increase of 5.15% whereas the true figure was a mere 0.57%.

A penny per mile, after 6 years!

The proposed new rate will give us 190.3p p.m. after the initial ring-on.

Thus the increase for subsequent 185 yard drops is 8.1%

$(190.3 \div 176 = 1.081)$

By comparison, Colchester is currently 199p.

In 2018 we applied for a Waiting Time increase of 10%. But the Council slashed it back to exactly 0% ( i.e. nothing), but falsely claimed it was 10% by mis-stating the previous rate. My email complaining of the mistakes was ignored.

We have had £12 per hour Waiting Time since the last century I believe, and at least from before 2004. (I can't find older farescales)

We now want to have it the same as Colchester and Chelmsford, at £18 per hour. So it needs to be 20p for each 40 seconds.

I wish to point out that a commission driver, typically on 60% less fuel, currently earns less than the Living Wage while hired on a Waiting Time job.

I commend this application. If the TDTA comes back into existence I will ask it to adopt this application.

Kind regards

TENDRING TAXIMETER FORUM

www.clactonandfrintongazette.co.uk April 19, 2018

## Public Notices

**TENDRING DISTRICT COUNCIL  
HACKNEY CARRIAGE FARES**

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

**1. MILEAGE**

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

In addition to (b) above

**2. WAITING TIME**

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

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

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

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

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

Dated 19 April 2018

PAUL PRICE  
CORPORATE DIRECTOR  
[OPERATIONAL SERVICES]

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

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**A1 Appendix A2****Comparison Fare Table Showing Effect of Tariff Changes**

<b>Distance</b>	<b>Current Tariff £</b>	<b>New Tariff £</b>	<b>Cost £</b>
<b>1 mile</b>	<b>£4.60</b>	<b>£4.70</b>	<b>2.17↑%</b>
<b>2 miles</b>	<b>£6.40</b>	<b>£6.60</b>	<b>3.13↑%</b>
<b>3 miles</b>	<b>£8.20</b>	<b>£8.50</b>	<b>3.66↑%</b>

<b>Each subsequent *yards or part thereof</b>	<b>£0.20 (*200 Yards)</b>	<b>£0.20 (*185 Yards)</b>
<b>Waiting Time [60 Seconds]</b>	<b>£0.20</b>	<b>£0.30</b>

**A1 Appendix A3****Comparison Fare Table – Comparison with Other Authorities in Essex**

<b>Distance</b>	<b>Proposed Tariff £</b>	<b>Colchester [as at 30/09/21]</b>	<b>Chelmsford [as at 30/09/21]</b>
<b>1 mile</b>	<b>£4.70</b>	<b>£4.76</b>	<b>£4.79</b>
<b>2 miles</b>	<b>£6.60</b>	<b>£6.75</b>	<b>£7.07</b>
<b>3 miles</b>	<b>£8.50</b>	<b>£8.74</b>	<b>£9.35</b>

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## LICENSING AND REGISTRATION COMMITTEE

14 OCTOBER 2021

### REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY)

#### A.2 **REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY FOR PUBLIC CONSULTATION**

[Report prepared by Michael Cook]

#### **PART 1 – KEY INFORMATION**

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

To request that the Committee review and agree the draft revision of the Council's Statement of Gambling Policy which will run for three years from the 31 January 2022 following public consultation, consideration by Cabinet and adoption by the Full Council.

##### **EXECUTIVE SUMMARY**

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

The Review was last undertaken 3 years ago and no significant issues have arose through use of the Policy since this time. The proposed changes are considered minor however, internal consultation will be undertaken with the Council's Corporate Enforcement Group through this process.

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

**It is recommended that:-**

- a) the draft revisions made to the Council's Statement of Gambling Policy be agreed for consultation purposes;
- b) the programme and timetable for public consultation, review, approval, publication and implementation of the revised Gambling Policy be as shown in the body of this report, subject to the responses received; and
- c) it is noted that the Council's Corporate Enforcement Group will form part of the consultation process.

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **DELIVERING PRIORITIES**

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

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

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

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

## **Our Place**

- Regenerate the District and improve deprived areas

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

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

### **Finance and other resources**

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

### **Risk**

The Council's reviewed and revised Gambling Policy must be adopted, published and in place by the 31 January 2022. Failure to comply or meet with this deadline would mean that the Council could not lawfully accept or process Gambling Act 2005 applications after that date which would have a significant negative impact on the Council being able to recover its reasonable costs in relation to operating its licensing service for this function.

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

## **LEGAL**

The Council is required to review its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005 and to widely consult on that review with responsible authorities and other interested parties. The Council has to have its Gambling Policy agreed, published and in place by the 31 January 2022. Failure to meet this deadline would mean that the Council would be ultra vires in respect of gambling applications submitted after that date.

## **OTHER IMPLICATIONS**

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

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

### **CRIME AND DISORDER**

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

### **EQUALITY AND DIVERSITY**

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

## **AREA/WARDS AFFECTED**

All

## **CONSULTATION/PUBLIC ENGAGEMENT**

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

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

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

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

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

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

- b) Consideration of applications for permits for:
  - Gaming machines in alcohol-licensed premises, such as pubs
  - Gaming machines for members clubs
  - Gaming in members clubs
  - Unlicensed family entertainments centres (category D machines only – i.e. those that have the lowest level of stakes and prizes)
  - Prize gaming
- c) Temporary use notices
- d) Occasional use notices
- e) Provisional Statements
- f) Registration of small society lotteries

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

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

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

The Council's current Statement of Gambling Policy has been in place and in force since the 31 January 2019. 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 has also enabled the development of a robust and practical policy through partnership for how the Gambling Act 2005 will be administered and compliance is managed for applicants and licence and permit holders alike.

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

#### **CURRENT POSITION**

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

Following public consultation the draft policy will be brought back before the Licensing and

Registration Committee to consider any responses received and to consider if they wish to make any final amendments to the draft as a result of the consultation before recommending the Policy for adoption. The Committee will then be asked to recommend the policy to Cabinet for adoption by Full Council for publication.

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

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

The timetable shown below is therefore suggested to the Committee

<b>Signpost</b>	<b>Outcome</b>
Licensing & Registration Committee 14 October 2021	Committee review and agree proposed draft of Gambling policy and agree it goes out to public consultation.
Licensing & Registration Committee TBC	Committee review outcome of consultation and agree final content of policy and recommend the policy to Cabinet.
Cabinet Members	Cabinet recommends the Policy to Full Council for adoption.
Full Council - TBC	Full Council considers the recommendation to adopt the revised policy
Policy to be published on Council's web site by 28 January 2022	Policy published on website
Public Notice of adoption to be published in local newspaper by 28 January 2022	Public Notice published in newspaper
Commencement of new three year policy from 31 January 2022	Policy runs from 2022 to 2025 (with any future administrative amendments as required by legislation or gambling commission guidance).

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

None

#### **APPENDICES**

**APPENDIX - Draft Gambling Policy**

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# Tendring District Council



## GAMBLING LICENSING POLICY STATEMENT

2022–2025

## **FOREWORD**

Welcome to the latest review of the Council's Licensing Policy for Gambling. The policy sets out how the Council will regulate gambling activities within the District.

Whilst for the majority of the general public gambling is an enjoyable and often social experience, it is for some individuals a largely hidden addiction which taken to excess has an adverse impact on their finances, health, wellbeing and relationships.

The wellbeing of our residents is a key priority for the Council and the Gambling Policy has a role to play in supporting this priority through its control of gambling premises.

We hope that the new revised policy is clear and easily understood and will be of significant use to the Council, its partners and operators when considering gambling matters.

Councillor Colin Winfield  
Chairman, Licensing and Registration Committee



**TENDRING DISTRICT COUNCIL  
GAMBLING LICENSING POLICY STATEMENT**

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## **PART A**

### **1.0 INTRODUCTION**

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

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

### **2.0 THE LICENSING OBJECTIVES**

**2.1** In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

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

### 3.0 **DESCRIPTION OF THE DISTRICT**

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



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

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

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

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

- 4.1 When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together in a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of regulating gambling as a result of which it created many local regulators, whose job it is to manage gambling locally, and in line with local circumstances. Those local regulators are the 368 licensing authorities of England, Wales and Scotland and in doing this the Act established a strong element of local decision-making and accountability in gambling regulation.

- 4.2** The Act gives local regulators discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation within limits set by The Department for Digital Culture Media and Sport (DCMS) in England and Wales<sup>1</sup>. It also sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.
- 4.3** The Act also provides scope for the Commission to act to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. This Guidance, to which licensing authorities must have regard, is an important part of those arrangements
- 4.4** 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.
- 4.5** The Licensing Authority is responsible for licensing premises in which gambling takes place and covers. All types of gambling, 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.
- 4.6** 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 2022 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 [TBC].

## **7.0 APPROVAL OF POLICY**

- 7.1** This Policy was approved at a meeting of the full Council on [TBC] and was published via its website on 31 January 2022. 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 and Regulations 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 and the General Data Protection Regulations 2016 will not be contravened;
  - the guidance issued by the Gambling Commission;
  - Relevant Legislation and Regulations

- 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
  - The Secretary of State
  - Scottish ministers
  - Any other person or body designated by the Secretary of State in accordance with the Act
- 11.3** The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.
- 12.0** **PUBLIC REGISTER**
- 12.1** The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.
- 13.0** **COMPLIANCE AND ENFORCEMENT**
- 13.1** In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice. This requires that actions should be:
- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
  - Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.
  - Consistent – Rules and standards must be joined up and implemented fairly.
  - Transparent – Enforcement should be open and regulations kept simple and user friendly.
  - Targeted – Enforcement should be focused on the problems and minimise side effects.
- 13.2** The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act, will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It is also worth noting that concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4** The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.



- 13.5** Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 13.6** As part of its ongoing inspection regime, The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. The Licensing Authority expects to be advised of results where operators carry out their own test purchasing. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7** Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral – London Borough of Newham
  - Ladbrokes – Milton Keynes
  - Paddy Power – Reading
  - William Hill – City of Westminster

## **PART B PREMISES LICENCES**

### **14.0 DELEGATION OF POWERS**

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

### **15.0 GENERAL PRINCIPLES**

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

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

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

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

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

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

### **15.5 Definition of Premises**

In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard to the gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

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 licensees 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, licences must take into account relevant matters identified in this policy.
- 15.10** The LCCP also states that licences 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 licensee'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 provision of signage and documents relating to games rules, gambling care providers and other relevant information being provided in both English and the other prominent first language for that locality.

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.

**16.0 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.

#### **17.0 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*).

**17.1** 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.

**17.2** 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.

#### **18.0 PROVISIONAL STATEMENTS**

**18.1** It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provision Statement. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as Planning Consent'.

#### **19.0 REPRESENTATIONS AND REVIEWS**

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

**19.2** 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.

**19.3** 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.

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

**20.0 ADULT GAMING CENTRES [See Annex C for definition]**

- 20.1** An Adult Gaming Centre is defined in Annex 'C'. Entry to these premises is age restricted.
- 20.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

**21.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES [See Annex C for definition]**

- 21.1** 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.
- 21.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

**22.0 CASINOS [See Annex C for definition]**

- 22.1** 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.

**22.2 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.

**23.0 BINGO PREMISES [See Annex C for definition]**

- 23.1** 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.
- 23.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

**24.0 BETTING PREMISES [See Annex C for definition]**

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

**24.2 Fixed Odds Betting Terminals (FOBTs)**

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

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

**25.0 TRACKS [See Annex C for definition]**

**25.1** 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.

**26.0 TRAVELLING FAIRS**

**26.1** 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.



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

**27.0 GENERAL**

**27.1** The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine Permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

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

**28.1** 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.

**28.2** 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.

**28.3** 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 Check 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
  - ❑ safeguarding training
  - ❑ proof of age scheme

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

**29.1** 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.

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

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

**29.4** 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.
- Relevant codes of practice issued by the Gambling Commission

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.

### **30.0 PRIZE GAMING PERMITS**

**30.1** 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
  - ❑ safeguarding training
  - ❑ proof of age scheme

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.

### **31.0 CLUB GAMING AND CLUB MACHINE PERMITS**

**31.1** 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.

**31.2** Commercial clubs may apply for a club machine permit, subject to restrictions.

**31.3** The gambling provided under the authority of a club gaming permit must also meet the following conditions:

- a. in respect of gaming machines
  - no child or young person may use a category B or C machine on the premises
  - that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines

- b. the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

**31.4** Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

**32.0 TEMPORARY USE NOTICES (TUN) [See Annex C for definition]**

**32.1** 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.

**32.2** 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.

**32.3** 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.

**32.4** 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.

**33.0 OCCASIONAL USE NOTICES [See Annex C for definition]**

**33.1** 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.

**33.2** 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.

**33.3** 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.

**33.4** The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

**33.5** The person designated to receive the OUN's and to assess its validity is the Head of Customer and Commercial Services. (A copy to be served on local Chief of Police).

**34.0 SMALL SOCIETY LOTTERIES [See Annex C for definition]**

**34.1** 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.

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

**34.2** External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website.

**35.0 FEES**

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 the current fees can be obtained by viewing the Council's website. [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

**36.0 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**

All Responsible Authorities for the Gambling Act as specified in Annex 'B'  
British Amusement Catering Trade Association (BACTA)  
Churches Together  
Citizens Advice Bureau  
Corporate Enforcement Group  
Gamblers Anonymous  
Gamcare  
Holders of Premises Licences and Permits under the Gambling Act 2005  
Licensing and Registration Committee  
Members of the District Council  
MP's of the District  
North East Essex Primary Care Trust  
Public Health  
Salvation Army  
Tendring and Colchester Minority Ethnic Partnership  
Tendring Community Voluntary Services  
Town and Parish Councils

## ANNEX 'B'

### RESPONSIBLE AUTHORITIES

ORGANISATION	CONTACT AND ADDRESS
Tendring District Council [Licensing Section]	The Licensing Team 88-90 Pier Avenue Clacton on sea Essex CO15 1TN Email: <a href="mailto:licensingsection@tendringdc.gov.uk">licensingsection@tendringdc.gov.uk</a>
Essex Police	The Licensing Department [Alcohol] Essex Police Braintree CM7 3DJ Email: <a href="mailto:licensing.applications@essex.pnn.police.uk">licensing.applications@essex.pnn.police.uk</a>
Essex County Fire and Rescue Service	Community Commander Colchester & Tendring Community Command Block C Park Road Colchester Essex CO3 3UL Email: <a href="mailto:colchesterspd@essex-fire.gov.uk">colchesterspd@essex-fire.gov.uk</a>
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 Email: <a href="mailto:licenceapplications@essexcc.gov.uk">licenceapplications@essexcc.gov.uk</a>
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 Email: <a href="mailto:tsinformationandbusinesssupportteam@essex.gov.uk">tsinformationandbusinesssupportteam@essex.gov.uk</a>
Tendring District Council - [Planning]	Planning Support Team Leader Planning Services Tendring District Council Council Offices Weeley Essex CO16 9AJ Email: <a href="mailto:planning.services@tendringdc.gov.uk">planning.services@tendringdc.gov.uk</a>

Tendring District Council – [Environmental Health]	Environmental Health 88-90 Pier Avenue Clacton on Sea Essex CO15 1TN Email: <a href="mailto:environmental.services@tendringdc.gov.uk">environmental.services@tendringdc.gov.uk</a>
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
HM Revenue & Customs	Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbermaud Glasgow G70 5WY Email: <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>

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	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Code of Practice	Any relevant code of practice under Section 24 of the Act
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	Lotteries specified in the Gambling Act as permitted to be run without a licence form the Gambling Commission. There are four types: <div><input type="checkbox"/> Small Society Lottery [required to register with Licensing Authorities. <input type="checkbox"/> Incidental Non Commercial Lotteries. <input type="checkbox"/> Private Lotteries. <input type="checkbox"/> Customer Lotteries.</div>																																							
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.																																							
Gaming	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.																																							
Gaming Machine	<div>Machine covering all types of gambling activity, including betting on virtual events.</div> <div>Categories</div> <table><tr><th>Category</th><th>Maximum Stake</th><th>Maximum Prize</th></tr><tr><td>A</td><td>Unlimited</td><td>Unlimited</td></tr><tr><td>B1</td><td>£5</td><td>£10,000*</td></tr><tr><td>B2</td><td>£2</td><td>£500</td></tr><tr><td>B3A</td><td>£2</td><td>£500</td></tr><tr><td>B3</td><td>£2</td><td>£500</td></tr><tr><td>B4</td><td>£2</td><td>£400</td></tr><tr><td>C</td><td>£1</td><td>£100</td></tr><tr><td>D Non Money Prizes</td><td>30p</td><td>£8</td></tr><tr><td>D Prize (Crane/Grab machine only)</td><td>£1</td><td>£50</td></tr><tr><td>D Money Prize</td><td>10p</td><td>£5</td></tr><tr><td>D Combined Money and Non Money Prize</td><td>10p</td><td>£8 (of which no more than £5 may be money prize)</td></tr><tr><td>D Combined Money and Non Money Prize (Coin Pusher/Penny Fall machines only)</td><td>20p</td><td>£20 (of which no more than £10 may be money prize)</td></tr></table> <div>*With option of maximum £20,000 linked progressive Jackpot on premises only</div>	Category	Maximum Stake	Maximum Prize	A	Unlimited	Unlimited	B1	£5	£10,000*	B2	£2	£500	B3A	£2	£500	B3	£2	£500	B4	£2	£400	C	£1	£100	D Non Money Prizes	30p	£8	D Prize (Crane/Grab machine only)	£1	£50	D Money Prize	10p	£5	D Combined Money and Non Money Prize	10p	£8 (of which no more than £5 may be money prize)	D Combined Money and Non Money Prize (Coin Pusher/Penny Fall machines only)	20p	£20 (of which no more than £10 may be money prize)
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Guidance to Licensing Authorities	Guidance issued by the Gambling Commission.
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions.  Article 6: The right to a fair hearing.  Article 8: The right of respect for private and family life.  Article 10: The right to freedom of expression.
Incidental Non Commercial Lottery	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]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <ul style="list-style-type: none"> <li>❑ Lives sufficiently close to the premises to be likely affected by the authorised activities.</li> <li>❑ Has business interests that might be affected by the authorised activities.</li> <li>❑ Represents persons in either of the above groups.</li> </ul>
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Licensed Lottery	A large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Licensing Authority	Tending District Council acting under Section 2 of the Act.
Licensing Objectives	<ol style="list-style-type: none"> <li>1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>2. Ensuring that gambling is conducted in a fair and Open way.</li> <li>3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.</li> </ol>
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:- <ul style="list-style-type: none"> <li>❑ Identify the promoting society;</li> <li>❑ State the price of the ticket, which must be the same for all tickets;</li> <li>❑ State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and</li> <li>❑ State the date of the draw, or enable the date of the draw to be determined.</li> </ul>

Mandatory Conditions	Specified conditions provided by regulations under Section 176 of the Act to be attached to Premises Licences.
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: <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; <input type="checkbox"/> Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; <input type="checkbox"/> Residents' Lotteries - promoted by, and tickets may only be sold to people who live at the same set of premises.

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:-  <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
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	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-  <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> 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  Full details of Responsible Authorities for the Tendring District are contained in Appendix 'B' to this Policy.
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.
The Act	The Gaming Act 2005
The Council	Tendring District Council

The Commission	The Gambling Commission
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
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.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <li><input type="checkbox"/> gamble more than they want to</li> <li><input type="checkbox"/> gamble beyond their means</li> <li><input type="checkbox"/> 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	An individual who is not a child but who is less than 18 years old.

## ANNEX 'D'

### SUMMARY OF MACHINE PROVISIONS BY PREMISES

Machine category					
Premises type	A	B1	B2	B3	B4 C D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)				Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	
<b>Pre-2005 Act casino</b> (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	
<b>Betting premises and tracks occupied by pool betting</b>				Maximum of 4 machines categories B2 to D (except B3A machines)	
<b>Bingo premises</b> <sup>1</sup>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines
<b>Adult gaming centre</b> <sup>2</sup>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines
<b>Licensed family entertainment centre</b> <sup>3</sup>				No limit on category C or D machines	
<b>Family entertainment center</b> (with permit) <sup>3</sup>				No limit on category D machines	
<b>Clubs or miners' welfare institute</b> (with permits) <sup>4</sup>				Maximum of 3 machines in categories B3A or B4 to D	
<b>Qualifying alcohol-licensed premises</b>				1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed premises</b> (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit	
<b>Travelling fair</b>				No limit on category D machines	

- <sup>1</sup> Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.
- <sup>2</sup> Adult gaming centers are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centers are restricted to sub-category B3 and B4 machines, but not B3A machines.
- <sup>3</sup> Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
- <sup>4</sup> Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
- <sup>5</sup> Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

**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



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, Licensing Department,**  
88-90 Pier Avenue  
Clacton on Sea  
Essex CO15 1TN

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 ذریعہ اس کے ترجمہ کی فرمائش کی جا سکتی ہے

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