



LICENSING AND REGISTRATION COMMITTEE

DATE: Monday, 17 January 2022

TIME: 7.30 pm

VENUE: Committee Room - Town Hall,
Station Road, Clacton-on-Sea, CO15
1SE

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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DATE OF PUBLICATION: Friday, 7 January 2022

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 Thursday 14 October 2021.

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 District of Tendring **and** which falls within the terms of reference of the Committee.

5 Miscellaneous Licensing Sub-Committee (Pages 5 - 6)

The Committee will formally receive and note, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday 26 November 2021.

6 REPORT OF THE ASSISTANT DIRECTOR, PARTNERSHIPS - A.1 - LICENSING ACT 2003, APPLICATIONS APPROVED UNDER DELEGATED POWERS (Pages 7 - 22)

To report to the Committee details of licences that have been approved under Delegated Powers during the period 25 October 2019 to 4 January 2022.

7 REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS - A.2 - HACKNEY CARRIAGE FARES (Pages 23 - 34)

Further to the Committee's decision taken on 14 October 2021, to consider the results of the public consultation exercise in relation to a proposed increase in the scale of Hackney Carriage fares together with a change in distance for which the fare is calculated and to then decide whether to confirm those proposed changes.

8 REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS - A.3 - REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY AFTER PUBLIC CONSULTATION (Pages 35 - 84)

For the Committee to consider the responses received from the public consultation that has taken place for the review of the Council's Statement of Gambling Policy and amend its draft policy in light of any responses received before agreeing a final policy to put forward for 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 85 - 90)

The Committee will formally receive and note, for its information only, the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday 26 November 2021.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Licensing and Registration Committee is to be held as and when it is required.

Information for Visitors

FIRE EVACUATION PROCEDURE

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

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

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Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON THURSDAY, 14TH OCTOBER, 2021 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Winfield (Chairman), V Guglielmi (Vice-Chairman), Casey, Clifton, Coley, J Henderson, McWilliams and Skeels
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer), Matt Cattermole (Communications Assistant) and Chloe Blackwell (Licensing Enforcement Officer)

99. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

100. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on Wednesday 6 November 2019 were approved as a correct record and signed by the Chairman.

101. DECLARATIONS OF INTEREST

Councillor McWilliams declared an interest in item 8, Review of the Council's Draft Statement of Gambling Policy for Public Consultation, as she was a member of Cabinet.

102. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none.

103. MISCELLANEOUS LICENSING SUB-COMMITTEE

The Committee formally received and noted, 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.

104. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

The Committee formally received and noted, 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.

105. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 - HACKNEY CARRIAGE FARES

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

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

The Committee also heard that if it decided 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.

It was moved by Councillor Clifton and seconded by Councillor V Guiglielmi and unanimously **RECOMMENDED** that:

- a) an increase to the table of fares operative within the District, as set out in part 3 of the report, be approved.
- b) 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) subject to (b) above, any representations received in response to the said public notice be considered by the Licensing and Registration Committee.

106. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.2 - REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY FOR PUBLIC CONSULTATION

The Members had before them for review and agreement, a draft revision of the Council's Statement of Gambling Policy which would run for three years from the 31 January 2022 following public consultation, consideration by Cabinet and adoption by the Full Council.

The Committee heard how the Council was 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 was 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 had arisen through use of the Policy since this time. The proposed changes are considered minor however, internal consultation would be undertaken with the Council's Corporate Enforcement Group through that process.

After a brief discussion it was moved by Councillor Clifton and seconded by Councillor V Guiglielmi that it be **RECOMMENDED** that:

- a) the Samaritans be added to the list of Consultees,

- b) the draft revisions made to the Council's Statement of Gambling Policy be agreed for consultation purposes;
- c) 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
- d) it is noted that the Council's Corporate Enforcement Group will form part of the consultation process.

107. 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.

108. MISCELLANEOUS LICENSING SUB-COMMITTEE - EXEMPT MINUTES

The Committee formally received and noted, 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.

The meeting was declared closed at 7.43 pm

Chairman

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON FRIDAY, 26TH NOVEMBER, 2021 AT 10.00 AM
IN THE CONNAUGHT ROOM AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

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

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

17. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Sub-Committee held on 13 August 2021 were approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST

There were none.

19. REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS - A.1 HACKNEY CARRIAGE/PRIVATE HIRE LICENCES

The Sub-Committee noted the contents of Report A.1 Hackney Carriage/Private Hire Driver's Vehicles and Operators, licensed by the Council as at 15 November 2021.

20. 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 13 August 2021
- (b) Report of Assistant Director, Partnerships – B.1 Revocation of a Hackney Carriage
- (c) Report of Assistant Director, Partnerships – B.2 Application for the Renewal of a Hackney Carriage Driver's Licence.

21. EXEMPT MINUTES OF THE LAST MEETING

The exempt minutes of the meeting of the Sub-Committee held on 13 August 2021 were approved as a correct record and signed by the Chairman.

22. REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS - B.1 - REVOCATION OF A HACKNEY CARRIAGE DRIVER'S LICENCE

RESOLVED - That the named individual's Hackney Carriage/Private Hire Driver's Licence be revoked and that further attempts be made by Officers to ensure the return of that Licence from that individual.

23. REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS - B.2 - RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE

RESOLVED - That the named individual be granted a Licence on this occasion for one year and that he display the Notice regarding his disability prominently in his taxi.

The meeting was declared closed at 11.20 am

Chairman

LICENSING AND REGISTRATION COMMITTEE

17 JANUARY 2022

REPORT OF THE ASSISTANT DIRECTOR - PARTNERSHIPS

A.1 **LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS** **[Report prepared by Emma King]**

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

Set out in Appendix A to this report are details of licences that have been approved under Delegated Powers during the period 25 October 2019 to 4 January 2022.

(ii) **Personal Licences**

A total of 2292 Personal Licences have been approved under Delegated Powers since 7 February 2005, the 'First Appointed Day'.

(iii) **Gambling Licences/Permits**

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

Type of Licence	Number of Licences as at (4 January 2022)
Adult Gaming Centres	22
Betting Premises	12
Bingo Premises	11
Family Entertainment Centres	54
Unlicensed Family Entertainment Centres	29
Prize Gaming Permits	2
Club Gaming & Club Machine Permits	23
Licensed Premises Gaming Machine Permits	117
Licensed Premises Machine Notifications	22
Small Society Lottery Permits	107

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

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

Type of Licence	Number of Licences as at (4 January 2022)
Hackney Carriage Driver	279
Private Hire Driver	7
Hackney Carriage Vehicle	204
Private Hire Vehicle	28
Private Hire Operator	23

RECOMMENDED: That Members note the contents of this report.

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Uniform Ref No	Organisation	Address	Grant/Conversion/ Conversion and Variation	Date Delegation Exercised
21/00559/CLUBVA	Colne Yacht Club	Colne Yacht Club Waterside Brightlingsea Colchester Essex CO7 0AX	Club Premises Variation	16/12/2021
21/00584/PREMTR	Mistley Quay Gallery Teashop	Mistley Quay Cafe Mistley Quay Workshops High Street Mistley Manningtree Essex CO11 1HB	Premises Licence Transfer	08/12/2021
21/00583/PREMTR	The Never Say Die	Never Say Die P H 24 Broadway Jaywick Clacton-on-Sea Essex CO15 2EH	Premises Licence Transfer	06/12/2021
21/00583/PREMTR	The Never Say Die	Never Say Die P H 24 Broadway Jaywick Clacton-on-Sea Essex CO15 2EH	Premises Licence Transfer	06/12/2021
21/00582/PREMTR	The Esplanade Hotel	The Esplanade Hotel 27 - 29 Marine Parade East Clacton-on-Sea Essex CO15 1UU	Premises Licence Transfer	03/12/2021
21/00562/PREMVA	Morrisons Daily	4 Tudor Parade Jaywick Essex CO15 2PL	Premises Licence Variation	03/12/2021
21/00528/PREMGR	Savers	48 Pier Avenue Clacton On Sea Essex CO15 1QN	Premises Licence Grant	25/11/2021
21/00572/PREMTR	Anchor Inn	Harwich Road Mistley Manningtree Essex CO11 1ND	Premises Licence Transfer	25/11/2021

21/00513/PREMGR	Clacton Golf Club Halfway House	Clacton On Sea Golf Club West Road Clacton On Sea Essex CO15 1AJ	Premises Licence Grant	15/11/2021
21/00490/PREMVA	JK Corner Shop	1 Tewkesbury Parade Old Road Clacton On Sea Essex CO15 3PH	Premises Licence Variation	15/11/2021
21/00551/PREMTR	Melrose Hotel	Melrose Hotel 53 Marine Parade East Clacton-on-Sea Essex CO15 6AD	Premises Licence Transfer	09/11/2021
21/00551/PREMTR	Melrose Hotel	Melrose Hotel 53 Marine Parade East Clacton-on-Sea Essex CO15 6AD	Premises Licence Transfer	09/11/2021
21/00538/PREMTR	Bhavin Express	53 Carnarvon Road Clacton On Sea Essex CO15 6QB	Premises Licence Transfer	04/11/2021
21/00538/PREMTR	Bhavin Express	53 Carnarvon Road Clacton On Sea Essex CO15 6QB	Premises Licence Transfer	04/11/2021
21/00464/PREMGR	Swiss Farm	Shop at Swiss Farm Hall Road Great Bromley Essex CO7 7TR	Premises Licence Grant	13/10/2021
21/00449/PREMGR	Waterside Local	46 Waterside Brightlingsea Colchester Essex CO7 0FH	Premises Licence Grant	07/10/2021
21/00401/PREMGR	Pump Hill Service Station	Pump Hill Service Station Clacton Road St Osyth Clacton On Sea Essex CO16 8HE	Premises Licence Grant	29/09/2021
21/00468/PREMTR	Beanos	39 Bluehouse Avenue Clacton-on-Sea Essex CO16 7BA	Premises Licence Transfer	23/09/2021

21/00468/PREMTR	Beanos	39 Bluehouse Avenue Clacton-on-Sea Essex CO16 7BA	Premises Licence Transfer	23/09/2021
21/00422/PREMGR	Morrisons	Morrisons Supermarket Centenary Way Clacton On Sea Essex CO16 9SB	Premises Licence Grant	21/09/2021
21/00383/PREMGR	Boss Barbers and Beauty	20 - 22 Station Road Clacton On Sea Essex CO15 1SX	Premises Licence Grant	25/08/2021
21/00380/CLUBPR	Mistley Rugby Football Club Limited	Furze Hill Recreation Ground Shrubland Road Mistley Essex CO11 1HS	Club Premises Licence	24/08/2021
21/00368/PREMGR	The Four Bs	19-21 High Street Brightlingsea Essex CO7 0AG	Premises Licence Grant	18/08/2021
21/00370/PREMGR	EFES Kitchen	33 - 35 High Street Walton On The Naze Essex CO14 8BG	Premises Licence Grant	18/08/2021
21/00403/PREMTR	Cafe On The Pier	Ha'penny Pier The Quay Harwich Essex CO12 3HH	Premises Licence Transfer	13/08/2021
21/00403/PREMTR	Cafe On The Pier	Ha'penny Pier The Quay Harwich Essex CO12 3HH	Premises Licence Transfer	13/08/2021
21/00326/PREMVA	British Flag	British Flag Public House 56 West Street Harwich Essex CO12 3DD	Premises Licence Variation	13/08/2021
21/00326/PREMVA	British Flag	British Flag Public House 56 West Street Harwich Essex CO12 3DD	Premises Licence Variation	13/08/2021

21/00340/PREMVA	DCS Enterprise Solutions LTD	1 Midland House High Street Harwich Essex CO12 3PS	Premises Licence Variation	11/08/2021
21/00339/PREMGR	Thrive Outdoor Limited	Wild Gym Devereux Farm Walton Road (Island Lane) Kirby Le Soken Essex CO13 0DA	Premises Licence Grant	29/07/2021
20/00353/PREMTR	A.Ds Snooker and Pool Club	First Floor 13 - 19 Pier Avenue Clacton On Sea Essex CO15 1QB	Premises Licence Transfer	23/07/2021
20/00353/PREMTR	A.Ds Snooker and Pool Club	First Floor 13 - 19 Pier Avenue Clacton On Sea Essex CO15 1QB	Premises Licence Transfer	23/07/2021
21/00350/PREMVA	Mr P Gilgunn	Car Boot Sale Site Hawk Fruit Farm Colchester Road Weeley Essex CO16 9AG	Premises Licence Variation	22/07/2021
21/00321/PREMGR	Bluebirds	114 Pier Avenue Clacton On Sea Essex CO15 1NJ	Premises Licence Grant	22/07/2021
21/00349/PREMTR	The Hanover Inn	The Hanover Inn 65 Church Street Harwich Essex CO12 3DR	Premises Licence Transfer	19/07/2021
21/00349/PREMTR	The Hanover Inn	The Hanover Inn 65 Church Street Harwich Essex CO12 3DR	Premises Licence Transfer	19/07/2021
21/00296/PREMVA	Shell Old Road	Petrol Filling Station 238 Old Road Clacton On Sea Essex CO15 3LX	Premises Licence Variation	12/07/2021

21/00338/PREMTR	Ottoman - Previously Kassaba Restaurant	7 - 9 Marine Parade East Clacton-on-Sea Essex CO15 1PS	Premises Licence Transfer	07/07/2021
21/00338/PREMTR	Ottoman - Previously Kassaba Restaurant	7 - 9 Marine Parade East Clacton-on-Sea Essex CO15 1PS	Premises Licence Transfer	07/07/2021
21/00261/PREMGR	AK Convenience Store	61 High Street Clacton On Sea Essex CO15 1UQ	Premises Licence Grant	06/07/2021
21/00285/PREMGR	Barn Cafe	The Barn Cafe Carpenters Farm St Marys Road Great Bentley Essex CO7 8NJ	Premises Licence Grant	01/07/2021
21/00268/PREMGR	11 St Pauls Road	11 St Pauls Road Clacton On Sea Essex CO15 6AU	Premises Licence Grant	22/06/2021
21/00236/PREMGR	The Lighthouse Sport and Social Club	Skating Rink Lower Marine Parade Dovercourt Essex	Premises Licence Grant	07/06/2021
21/00231/PREMGR	The Colonnade Kiosk	Colonnade Kiosk The Parade Walton On The Naze Essex CO14 8AP	Premises Licence Grant	04/06/2021
21/00229/PREMGR	Mrs D Bryden	36 Church Road Elmstead Colchester Essex CO7 7AW	Premises Licence Grant	03/06/2021
21/00220/PREMGR	Arnies Bar Limited	63 Connaught Avenue Frinton On Sea Essex CO13 9PP	Premises Licence Grant	03/06/2021
21/00258/PREMTR	Pump Hill Service Station	St. Johns Road St. Osyth Clacton-on-Sea Essex CO16 8HE	Premises Licence Transfer	20/05/2021

21/00258/PREMTR	Pump Hill Service Station	St. Johns Road St. Osyth Clacton-on-Sea Essex CO16 8HE	Premises Licence Transfer	20/05/2021
21/00177/PREMVA	Walton Pier	Pier Approach Walton-on-the-Naze Essex CO14 8ES	Premises Licence Variation	14/05/2021
21/00177/PREMVA	Walton Pier	Pier Approach Walton-on-the-Naze Essex CO14 8ES	Premises Licence Variation	14/05/2021
21/00167/PREMVA	Morrisons (Temporary Store)	Morrisons Supermarket Centenary Way Clacton On Sea Essex CO16 9SB	Premises Licence Variation	29/04/2021
21/00167/PREMVA	Morrisons (Temporary Store)	Morrisons Supermarket Centenary Way Clacton On Sea Essex CO16 9SB	Premises Licence Variation	29/04/2021
21/00148/PREMTR	9 Flags Limited	12 - 22 Pier Avenue Clacton-on-Sea Essex CO15 1QA	Premises Licence Transfer	21/04/2021
21/00168/PREMTR	Brace Of Pistols	421 St. Johns Road Clacton-on-Sea Essex CO16 8DU	Premises Licence Transfer	21/04/2021
21/00148/PREMTR	9 Flags Limited	12 - 22 Pier Avenue Clacton-on-Sea Essex CO15 1QA	Premises Licence Transfer	21/04/2021
21/00168/PREMTR	Brace Of Pistols	421 St. Johns Road Clacton-on-Sea Essex CO16 8DU	Premises Licence Transfer	21/04/2021
21/00101/PREMGR	J&J Wilson Supermarket	Naze Marine Holiday Park Hall Lane Walton On The Naze Essex CO14 8HL	Premises Licence Grant	09/04/2021

21/00101/PREMGR	J&J Wilson Supermarket	Naze Marine Holiday Park Hall Lane Walton On The Naze Essex CO14 8HL	Premises Licence Grant	09/04/2021
21/00133/PREMTR	Jackson Road Stores	33 Jackson Road Clacton-on-Sea Essex CO15 1JA	Premises Licence Transfer	06/04/2021
21/00133/PREMTR	Jackson Road Stores	33 Jackson Road Clacton-on-Sea Essex CO15 1JA	Premises Licence Transfer	06/04/2021
21/00109/PREMVA	Different	Ashlyns House 83 Fourth Avenue Frinton On Sea Essex CO13 9EB	Premises Licence Variation	01/04/2021
21/00069/PREMVA	Favorite Chicken And Ribs	44 Rosemary Road Clacton-on-Sea Essex CO15 1PB	Premises Licence Variation	23/03/2021
21/00062/PREMGR	Vine Lodge	Vine Lodge Jarrow House Vineyard Harwich Road Ardleigh Essex CO7 7LT	Premises Licence Grant	22/03/2021
21/00053/PREMGR	Kirby Cafe	24 Frinton Road Kirby Cross Essex CO13 0LE	Premises Licence Grant	22/03/2021
21/00078/PREMTR	Bootleggers	139 Wellesley Road Clacton-on-Sea Essex CO15 3QD	Premises Licence Transfer	18/03/2021
21/00105/PREMTR	Caffe Gloria - Previously Bentleys	7 Connaught Avenue Frinton On Sea Essex CO13 9PN	Premises Licence Transfer	18/03/2021
21/00105/PREMTR	Caffe Gloria - Previously Bentleys	7 Connaught Avenue Frinton On Sea Essex CO13 9PN	Premises Licence Transfer	18/03/2021
21/00078/PREMTR	Bootleggers	139 Wellesley Road Clacton-on-Sea Essex CO15 3QD	Premises Licence Transfer	18/03/2021

21/00068/PREMGR	Little Paddocks	Little Paddocks Frating Road Great Bromley Essex CO7 7JL	Premises Licence Grant	17/03/2021
21/00060/PREMGR	1 Alresford Business Centre	1 Alresford Business Centre Colchester Main Road Alresford Colchester Essex CO7 8DJ	Premises Licence Grant	11/03/2021
21/00084/PREMTR	Spar Foodmarket	19 Victoria Place Brightlingsea Colchester Essex CO7 0BX	Premises Licence Transfer	11/03/2021
21/00092/PREMTR	Prezzo	4 Marine Parade West Clacton-On-Sea Essex CO15 1QZ	Premises Licence Transfer	05/03/2021
21/00052/PREMVA	Roaring Donkey Public House	316 Holland Road Clacton-on-Sea Essex CO15 6PD	Premises Licence Variation	18/02/2021
21/00050/PREMTR	Health And Happiness	558 - 560 Main Road Harwich Essex CO12 4HJ	Premises Licence Transfer	17/02/2021
21/00050/PREMTR	Health And Happiness	558 - 560 Main Road Harwich Essex CO12 4HJ	Premises Licence Transfer	17/02/2021
21/00020/PREMVA	Great Danes and Associates Ltd	12 Connaught Avenue Frinton On Sea Essex CO13 9PW	Premises Licence Variation	11/02/2021
21/00056/PREMTR	The Kings Arms	Kings Arms Main Road Frating Colchester Essex CO7 7DJ	Premises Licence Transfer	10/02/2021
21/00056/PREMTR	The Kings Arms	Kings Arms Main Road Frating Colchester Essex CO7 7DJ	Premises Licence Transfer	10/02/2021

21/00034/PREMVA	Iceland Frozen Foods Plc	Iceland Frozen Foods Plc Waterglade Retail Park Old Road Clacton-on-Sea Essex CO15 1HX	Premises Licence Variation	05/02/2021
20/00624/PREMTR	Reg's Fish And Chips	21 St. Johns Road Clacton-on-Sea Essex CO15 4BS	Premises Licence Transfer	11/01/2021
20/00574/PREMGR	14B St Johns Road	Ground Floor 14B St Johns Road Clacton On Sea Essex CO15 4BP	Premises Licence Grant	06/01/2021
20/00602/PREMGR	The Pavilion	Marine Parade Dovercourt Bay Essex CO12 3JY	Premises Licence Grant	06/01/2021
20/00586/PREMTR	The Red Lion	The Red Lion Public House 32 The Street Kirby-le-Soken Frinton-on-Sea Essex CO13 0EF	Premises Licence Transfer	27/12/2020
20/00586/PREMTR	The Red Lion	The Red Lion Public House 32 The Street Kirby-le-Soken Frinton-on-Sea Essex CO13 0EF	Premises Licence Transfer	27/12/2020
20/00554/PREMGR	Coach House Coffee Shop	Waterside Brightlingsea Colchester Essex CO7 0AX	Premises Licence Grant	02/12/2020
20/00544/PREMGR	Blue Garden Cafe	St Johns Road Clacton On Sea Essex CO16 8DY	Premises Licence Grant	23/11/2020
20/00488/PREMTR	Pizza Hut	Brook Retail Park London Road Clacton-on-Sea Essex CO16 9QX	Premises Licence Transfer	16/09/2020

20/00448/CLUBVA	Harwich And Dovercourt Rugby Club	Swimming Pool Road Low Road Dovercourt Harwich Essex CO12 3TA	Club Premises Variation	11/09/2020
20/00465/PREMTR	Eldorado	The Eldorado 23 Broadway Jaywick Clacton-on-Sea Essex CO15 2EH	Premises Licence Transfer	11/09/2020
20/00465/PREMTR	Eldorado	The Eldorado 23 Broadway Jaywick Clacton-on-Sea Essex CO15 2EH	Premises Licence Transfer	11/09/2020
20/00469/PREMTR	Reynolds News And Convenience Store	206 - 208 High Street Harwich Essex CO12 3AJ	Premises Licence Transfer	10/09/2020
20/00469/PREMTR	Reynolds News And Convenience Store	206 - 208 High Street Harwich Essex CO12 3AJ	Premises Licence Transfer	10/09/2020
20/00416/PREMVA	Frinton On Sea Cricket Club Bar LTD	Frinton-on-Sea Cricket Club Bar LTD Ashlyns Road Frinton-on-Sea Essex CO13 9EU	Premises Licence Variation	04/09/2020
20/00427/PREMVA	Roaring Donkey Public House	316 Holland Road Clacton-on-Sea Essex CO15 6PD	Premises Licence Variation	02/09/2020
20/00371/PREMGR	Pawfection	59 High Street Walton On The Naze Essex CO14 8BD	Premises Licence Grant	11/08/2020
20/00372/PREMGR	Stanley's	7 Old Road Frinton On Sea Essex CO13 9DA	Premises Licence Grant	11/08/2020
20/00411/PREMTR	Nirala Tandoori	14 Brook Street Manningtree Essex CO11 1DR	Premises Licence Transfer	11/08/2020

20/00403/CLUBVA	Frinton War Memorial Club	Frinton War Memorial Club Fourth Avenue Frinton-on-Sea Essex CO13 9EB	Club Premises Variation	10/08/2020
20/00362/PREMGR	Villiers Barn	Villiers Barn Grove Farm Tan Lane Little Clacton Clacton On Sea Essex CO16 9PT	Premises Licence Grant	06/08/2020
20/00402/PREMTR	G And D News	360 Old Road Clacton-on-Sea Essex CO15 3RN	Premises Licence Transfer	31/07/2020
20/00402/PREMTR	G And D News	360 Old Road Clacton-on-Sea Essex CO15 3RN	Premises Licence Transfer	31/07/2020
20/00330/PREMGR	Larchcroft Co LTD	Bromley Barns Campus Stores Harwich Road Great Bromley Colchester Essex CO7 7JG	Premises Licence Grant	27/07/2020
20/00329/PREMVA	Kassaba Restaurant - Previously The Geisha Hotel	7 - 9 Marine Parade East Clacton-on-Sea Essex CO15 1PS	Premises Licence Variation	20/07/2020
20/00367/PREMTR	Buzz Bingo	129 Pier Avenue Clacton-on-Sea Essex CO15 1NJ	Premises Licence Transfer	10/07/2020
20/00307/PREMVA	The Alma Inn	25/26 Kings Head Street Harwich Essex CO12 3EE	Premises Licence Variation	08/07/2020
20/00359/PREMTR	Convenience Store, 54 The Street	54 The Street Little Clacton Clacton On Sea Essex CO16 9LF	Premises Licence Transfer	08/07/2020
20/00359/PREMTR	Convenience Store, 54 The Street	54 The Street Little Clacton Clacton On Sea Essex CO16 9LF	Premises Licence Transfer	08/07/2020

20/00283/PREMGR	Jaco's Cup of Coffee	82 Rosemary Road Clacton On Sea Essex CO15 1TG	Premises Licence Grant	29/06/2020
20/00252/PREMGR	Hops Farm Ltd	74 Hungerdown Lane Lawford Manningtree Essex CO11 2LX	Premises Licence Grant	19/06/2020
20/00279/PREMTR	The Kings Arms	Kings Arms 10 Colchester Road St. Osyth Clacton-on-Sea Essex CO16 8HA	Premises Licence Transfer	18/05/2020
20/00279/PREMTR	The Kings Arms	Kings Arms 10 Colchester Road St. Osyth Clacton-on-Sea Essex CO16 8HA	Premises Licence Transfer	18/05/2020
20/00166/PREMGR	George and Theodore's Cafe	19 Connaught Avenue Frinton On Sea Essex CO13 9PN	Premises Licence Grant	06/05/2020
20/00244/PREMTR	Tollgate Post Office	Tollgate Post Office 729 - 731 Main Road Harwich Essex CO12 4LZ	Premises Licence Transfer	24/04/2020
20/00244/PREMTR	Tollgate Post Office	Tollgate Post Office 729 - 731 Main Road Harwich Essex CO12 4LZ	Premises Licence Transfer	24/04/2020
20/00246/PREMTR	Tara Traders	63 Harwich Road Mistley Manningtree Essex CO11 1NA	Premises Licence Transfer	24/04/2020
20/00246/PREMTR	Tara Traders	63 Harwich Road Mistley Manningtree Essex CO11 1NA	Premises Licence Transfer	24/04/2020

20/00047/PREMGR	Ardleigh Service Station	Ardleigh Service Station Colchester Road Ardleigh Colchester Essex CO7 7PA	Premises Licence Grant	10/03/2020
20/00046/PREMGR	Ardleigh South Service Station	Ardleigh South Service Station Colchester Road Ardleigh Colchester CO7 7NS	Premises Licence Grant	10/03/2020
20/00046/PREMGR	Ardleigh South Service Station	Ardleigh South Service Station Colchester Road Ardleigh Colchester CO7 7NS	Premises Licence Grant	10/03/2020
20/00047/PREMGR	Ardleigh Service Station	Ardleigh Service Station Colchester Road Ardleigh Colchester Essex CO7 7PA	Premises Licence Grant	10/03/2020
20/00069/PREMGR	Wix Village Shop	Wix Village Shop Colchester Road Wix Manningtree Essex CO11 2RS	Premises Licence Grant	02/03/2020
20/00056/PREMTR	Tesco Stores Ltd	1 Ramsey Road Dovercourt Harwich Essex CO12 4RJ	Premises Licence Transfer	31/01/2020
19/00741/PREMGR	Enjoy Cafe Bistro	Enjoy Cafe Bistro 6 - 8 Rosemary Road Clacton On Sea Essex CO15 1NY	Premises Licence Grant	20/01/2020
19/00667/PREMGR	East Coast Distillery Ltd	Landermere Hall Farm 3A Landermere Thorpe Le Soken Essex CO16 0NJ	Premises Licence Grant	13/01/2020
19/00717/PREMGR	Magic City	Ground Floor 13 - 19 Pier Avenue Clacton On Sea Essex CO15 1QB	Premises Licence Grant	07/01/2020

19/00717/PREMGR	Magic City	Ground Floor 13 - 19 Pier Avenue Clacton On Sea Essex CO15 1QB	Premises Licence Grant	07/01/2020
19/00722/PREMVA	That's The Spirit 2 - Previously Budget Wines And Beers	59 Ravensdale Clacton-on-Sea Essex CO15 4QH	Premises Licence Variation	02/01/2020
19/00715/PREMVA	Armstrongs - The Pavilion	Clacton Pavilion Pier Gap Clacton On Sea Essex CO15 1PS	Premises Licence Variation	23/12/2019
19/00692/PREMVA	Dovercourt Haven Caravan Park	Dovercourt Haven Caravan Park Low Road Dovercourt Harwich Essex CO12 3TZ	Premises Licence Variation	18/12/2019
19/00692/PREMVA	Dovercourt Haven Caravan Park	Dovercourt Haven Caravan Park Low Road Dovercourt Harwich Essex CO12 3TZ	Premises Licence Variation	18/12/2019
19/00692/PREMVA	Dovercourt Haven Caravan Park	Dovercourt Haven Caravan Park Low Road Dovercourt Harwich Essex CO12 3TZ	Premises Licence Variation	18/12/2019
19/00692/PREMVA	Dovercourt Haven Caravan Park	Dovercourt Haven Caravan Park Low Road Dovercourt Harwich Essex CO12 3TZ	Premises Licence Variation	18/12/2019
19/00664/PREMVA	Estuary Wine Bar	17 High Street Manningtree Essex CO11 1AG	Premises Licence Variation	03/12/2019
19/00632/PREMGR	Local Store	37 Bluehouse Avenue Clacton On Sea Essex CO16 7BA	Premises Licence Grant	20/11/2019

19/00678/PREMTR	Italian House Frinton Limited (Previously Piatto Italian)	52 - 54 Connaught Avenue Frinton On Sea Essex CO13 9PR	Premises Licence Transfer	19/11/2019
19/00678/PREMTR	Italian House Frinton Limited (Previously Piatto Italian)	52 - 54 Connaught Avenue Frinton On Sea Essex CO13 9PR	Premises Licence Transfer	19/11/2019
19/00675/PREMTR	EL Guaca Mexican Grill - Previously The Pier Restaurant	2 Marine Parade West Clacton On Sea Essex CO15 1RH	Premises Licence Transfer	14/11/2019
19/00523/PREMVA	Plough Inn	Plough Road Great Bentley Colchester Essex CO7 8LA	Premises Licence Variation	07/11/2019
19/00655/PREMTR	Kings Arms	178 High Street Harwich Essex CO12 3AP	Premises Licence Transfer	06/11/2019
19/00655/PREMTR	Kings Arms	178 High Street Harwich Essex CO12 3AP	Premises Licence Transfer	06/11/2019
19/00646/PREMTR	Garland Convenience Store	30 Garland Road Parkeston Harwich Essex CO12 4PB	Premises Licence Transfer	01/11/2019
19/00646/PREMTR	Garland Convenience Store	30 Garland Road Parkeston Harwich Essex CO12 4PB	Premises Licence Transfer	01/11/2019

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LICENSING AND REGISTRATION COMMITTEE

17 JANUARY 2022

REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS

A.2 Hackney Carriage Fares

[Report prepared by Michael Cook]

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the proposed changes agreed by Members on 14 October 2021, to increase in the scale of fares, and a change in distance for which the fare is calculated that is currently operative within the District. The public consultations are attached as **Appendix A** to the report.

EXECUTIVE SUMMARY

At your meeting held on 14 October 2021, minute 105 refers, Members considered a request from the Tendring Taximeter Forum to grant an increase to the table of fares.

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

- a) The Committee is minded to grant the Tendring Taximeter Forum's request for an increase in the Hackney Carriage Fare Scale;
- b) Public Notice to be given of the intention of the Council to increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the request made by the Tendring Taximeter Forum;
- c) That any representations received in response to the said public notice be considered at the next meeting of the Committee; and
- d) That if no representations are received to the said public notice, or if all representations that are received are in favour of the fare increase, the Licensing Manager in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee be authorised to implement the new Hackney Carriage Fare Scale within the District with effect from 28 days following the end of the public consultation period.

5 representations have been received as a result of the public notice having been placed in the local press and letters sent to all licensed drivers within the District. The letters / emails are attached as Appendix B to the report.

RECOMMENDATION

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

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

- Building a thriving local tourism industry, for Tendring.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

If Members are minded to reconsider their previous decision in this matter and to approve the proposed amendments to the fare scale either in a modified form or as provisionally agreed at your meeting of 14 October 2021, it has been your policy in the past to publish a further advertisement in the local press to advise the public of the commencement date of the new fare tariff.

Risk

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

LEGAL

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

OTHER IMPLICATIONS

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

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

CRIME AND DISORDER

There are no Crime and Disorder implications

EQUALITY AND DIVERSITY

There are no Equality and Diversity implications.

CONSULTATION AND PUBLIC ENGAGEMENT

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

AREA/WARDS AFFECTED

All wards

CONCLUSION

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

BACKGROUND PAPERS FOR THE DECISION

None

APPENDIX	
Appendix A	- Proposed changes agreed at previous meeting of 14 October 2021.
Appendix B	- Representation from Mr S Reeve
	- Representation from Mr M Davies
	- Representation from Mr A Al-Mamun
	- Representation from Mr C Francis
	- Representation from Mr C Thomas
Appendix C	- Tendring Taxi Forum Update Email (Mr C Thomas)

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON THURSDAY, 14TH OCTOBER, 2021 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

**105. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1
- HACKNEY CARRIAGE FARES**

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

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

The Committee also heard that if it decided 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.

It was moved by Councillor Clifton and seconded by Councillor V Guiglielmi and unanimously **RECOMMENDED** that:

- a) an increase to the table of fares operative within the District, as set out in part 3 of the report, be approved.
- b) 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 HackneyCarriage Fare Scale operative within the District in accordance with the request made.
- c) subject to (b) above, any representations received in response to the said public notice be considered by the Licensing and Registration Committee.

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From: Mr S Reeve
Sent: 25 October 2021 15:22
To: Taxi <Taxi@tendringdc.gov.uk>
Subject: Fare increase

Hi just heard that the government is putting up minimum wage to £9:50 which is roughly a 7% pay rise but you are only offering us roughly 3% what with the increase in fuel , insurance day to day running costs ie tyres/brakes etc and of course no doubt our plate and badges will go up thats without the cost of living I honestly can't see how that little increase will help us considering if you say every job works out to roughly a £5 so it would go up to roughly £5:20 that means we would have to do 50 jobs to get an increase of £10 pounds .

Sean

Sent from my Galaxy

From: Mr M Davis
Sent: 02 November 2021 10:19
To: Taxi <Taxi@tendringdc.gov.uk>
Subject: Fare increase

As an independent driver I feel that this is not the right time to increase fares I have seen a drop in trade and a fare increase would probably make this worse I know all our costs are rising but looking at it in the longer term we need to hold the trade we have and maybe look at an increase late next year when things will hopefully change for the better Martin Davis badge number T988

From: Mr A Al-Mamun
Sent: 10 November 2021 18:10
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Fare change & grant

To,
Tendring District Council
90, Pier Avenue
Clacton On Sea
Essex
CO15 1NJ

Ref: Fare change & grant

I would like to take this opportunity to foremost to thank you for deciding to increase the taxi fare price as the last increase was in 15th August 2018. However, I do not appreciate the decision of increasing the fare by **£0.10**. This increase does not equate to the factors required to taxi such as installing the taxi meter which costs approximately **£25-£45**. There has also been no consideration for the rising fuel prices as well as living expenses and the rate of inflation.

I understand that it has been a difficult time for all of us in Tendring but **many have received financial support during the pandemic, Many of us taxi drivers were unable to access financial support and when support was offered**, it has not been clearly publicised in the taxi news, (Not even receive by Post). So, many of us missed the deadline for this support.

In regards to the fare price increase, **I believe £0.30 would be more appropriate given the current economy.**

I would be greatly appreciative if you could consider my appeal and increase the taxi fare. I look forward to hearing from you.

Many thanks.

Best Regards;
Abdullah Al-Mamun

From: Mr C Francis
Sent: 10 November 2021 14:10
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: About the proposed rates of fares.

Dear Head of licensing and licensing team

I'm writing this as an objection to the proposed rate of fare increase. As I feel and agree there should be an increase in fares but feel more should be done with the increase to help current drivers and potential new drivers.

I shall now explain why and feel why the increase is not enough.

Firstly the cost of living and business expenses have been going up. Living expenses have gone up the main one being energy bills aswell as everyday living. Business expenses have up gone up. The main one being fuel which in turn has a knock on affect to everything else as in parts and tyres to keep our taxis on the road aswell as normal living expenses.

My next point is minimum wage. This goes up every year and has been increased more so for the future. This goes up every year to keep in line with the cost of living. This in turn can bring me back to the the first point as goods and services need to be increased to pay this.

Unfortunately being self employed we don't. Yes many self employed can put there prices up when increases happen. For example I know people in the building trade who have to put prices up due to the increase of building material. We cannot do this and raise our prices as we are governed by the council and the meter.

Thirdly people are saying it's getting harder to get taxis especially at the nights. The problem we have is we are working more and more to make ends meet. We are not machines. Many drivers are having to start earlier in the day to try and earn the money but are coming to the night and physically are unable to continue. There are now less drivers than what there was 2 years ago as some have retired and some sadly passing away with no new drivers coming through. I understand that new driver application had been suspended during the pandemic but now as things are opening up with the need to entice and encourage people to want to do the job. This is where you could say the first two points above would discourage people from joining the taxi industry.

This is how I feel or how the rise should happen and believe many other drivers would be in an agreement. Firstly I'm not talking about it should be £2 more for first mile as this could hurt us more and would not be fair on the public. I feel instead of 10p increase an increase of 20p a mile OR an increase on the starting rate from £3 to £3.40 along with the proposed 10p a mile increase. I personally find the second one would be in favour with many drivers.

Secondly I would like to see a review on the midnight change of fare. There are quite a few places like Great Yarmouth and Lowestoft that are allowed to change rate 2 from 11pm. I've had a customer before believe she was from Hertfordshire (was a few years ago) who told me about that in town at the weekends was so hard to get taxis but when it changed to being able to charge rate 2 from 11pm they found it easier as drivers were wanting to work. This could help us in many ways. Firstly it gives drivers a chance to earn a bit more money earlier in the night. It would also help with the lack of drivers as current drivers may be willing to work later and also help with new drivers as they can see an opportunity to do a job that they can earn a semi decent wage. This in turn would hopefully mean people can get taxis easier.

Thank you for your time in reading this look forward to hearing from you or would happily meet yourself or attend a meeting regarding this if this was something that could be pushed forward and proposed.

Many thanks

Christopher Francis

Get [Outlook for Android](#)

From: Mr C Thomas

Sent: 10 November 2021 17:01

To: Emma King <eking@tendringdc.gov.uk>

Subject: Fare Tariffs: technical points

Dear Emma,

Proposed Fare Increase

Re. the newsletter to taxi drivers about the proposed fare increase I have two technical points to make, each of which is only apparent to someone with a taximeter who can test it.

Firstly, you cannot mix and match increment units. There can only be one unit of increments i.e. 20p at present on Rate 1. Thus, Waiting Time can also only be charged in 20p increments. Hence the application was for 20p for 40 seconds rather than 30p for 60 seconds.

If you pass a different unit of increments for Waiting Time the meter manufacturers will convert it to an equivalent. For example, from 2012 to 2018 the farescale gave 35p units for distance, but 30p units for Waiting Time. As this was not possible it was converted by the meter manufacturers to 35p for 105 seconds instead of 30p for 90 seconds.

Secondly, the yardage rate starts at the beginning of the distance unit and must say "or uncompleted part thereof". Whereas, Waiting Time is the other way round and is charged at the completion of the time period. Otherwise, when the meter is turned on, it would go up by 20p after just one second, which would be ridiculous.

Summary and Recommendations:

The Waiting Time should fit 20p units, and the words "or uncompleted part thereof" deleted from the Waiting Time section of the fare chart.

Kind regards

Chris Thomas

Tendring Taximeter Forum

Sent from my Galaxy

From: Mr C Thomas
Sent: 28 November 2021 19:31
To: Emma King <eking@tendringdc.gov.uk>
Subject: RE: Fare rise application

Many thanks for your update Emma.

I think it worth mentioning that when I sent in the application email on 8th August I was paying 136.9p for diesel (at Esso) and that last week I paid 152.9p, an increase of 16p per litre. So it is likely that the consensus proposal is unscrambling as drivers want more. This has to be balanced against the fact that, outside of the holiday season, a half or more of taxi customers come from socio-economic group E, living on Benefits and pensions. Fares must stay affordable for them.

I have been saying to taxi drivers that we should take whatever is offered and apply for another increase soon afterwards. However, I am now told by Ian Starling, meter supplier, that this will be the last increase that REM4 meters will cope with and that owners will have to change their ageing meters next time. This will not please taxi owners. It makes it desirable that this increase is a worthwhile one, so that it can last for a few years.

Let's hope we can achieve that.

Kind regards,

Chris Thomas
Tendring Taximeter Forum

Sent from my Galaxy

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LICENSING AND REGISTRATION COMMITTEE

17 JANUARY 2022

REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS

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

[Report prepared by Michael Cook]

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Committee to consider the responses received from the public consultation that has taken place for the review of the Council's Statement of Gambling Policy and amend its draft policy in light of any responses received before agreeing a final policy to put forward for 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 Licensing and Registration Committee at its meeting of the 14 October 2021 agreed a revised draft policy to be offered for public consultation and is now asked to consider responses received and agree a final policy and recommend its adoption to Full Council.

RECOMMENDATION(S)

It is recommended that the Licensing and Registration Committee:

- a) Notes the outcome of the public consultation;
- b) agrees the final draft Statement of Gambling Policy set out in Appendix A to this report incorporating minor amendments thought necessary after consideration of the consultation responses received; and
- c) agrees that the final draft Statement of Gambling Policy be considered at the next available Cabinet meeting for recommendation onto Full Council for adoption.

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. Failure to do so could mean that the Council is not able to accept or process any applications for gambling premises or gaming permits submitted until a new policy is in place.

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.

Schedule 3 of the Local Authorities (Functions And Responsibilities) (England) Regulations 2000 (as amended) describes the functions of formulating or preparing a plan or strategy as referred to within Regulation 4(1) that are not to be the sole responsibility of an Authority's Executive. This includes a Licensing Authority Policy Statement under section 349 of the 2005 Act. Consequently, any recommendation onto Full Council should be endorsed and approved by the Cabinet.

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

The revised draft policy agreed by the Committee at their meeting of the 14 October 2021 was open to public consultation and scrutiny for a period of four weeks from 18 October 2021 to the 15 November 2021. The consultation encompassed and engaged a large and diverse range of consultees such as the Council's Corporate Enforcement Group, faith groups, local schools, Children's Safeguarding Service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that work with gambling addictions like Gambling Anonymous and GamCare to seek a wide variety of comments and views on the revised draft policy. The policy was also made 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 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.

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 and Registration Committee Members.

CURRENT POSITION

The Licensing and Registration Committee are asked to review and agree the proposed revised draft of the Council's Statement of Gambling Policy as attached to **Appendix A** to this report following its public consultation and take into consideration the responses and specific points received to that consultation where Members may consider it to be appropriate to do so.

There were two letters received in response to the consultation which were from TCVS and Gosschalks Solicitors. These responses are attached in full to this report as **Appendix B**.

These amendments have provisionally been incorporated into the proposed final draft of the policy subject to the agreement of the Licensing and Registration Committee, these are highlighted in yellow.

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

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX A	-	Draft Gambling Policy
APPENDIX B	-	Consultation Responses

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Tendring District Council



GAMBLING LICENSING POLICY STATEMENT

2022–2025

Adopted XXXXX

Tendring District Council: www.tendringdc.gov.uk

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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 Wales¹. 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 have gambling addictions, 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 19 October 2021 and 15 November 2021.

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 expects the licence holder to carry out a risk assessment that should be reviewed if there is a significant change in local circumstances.** 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 B2 & B3 Machines

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBT's) and B3 machines 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 betting facilities).

243 The Licensing Authority expects **B2 & B3 machines** 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 **DBS** Criminal Records **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 **DBS** Criminal Records 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

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 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

Independent Advisory Group

Licensing and Registration Committee

Members of the District Council

MP's of the District

North East Essex Primary Care Trust

Public Health

Salvation Army

Samaritans

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: licensingsection@tendringdc.gov.uk
Essex Police	The Licensing Department [Alcohol] Essex Police Braintree CM7 3DJ Email: licensing.applications@essex.pnn.police.uk
Essex County Fire and Rescue Service	Community Commander Colchester & Tendring Community Command Block C Park Road Colchester Essex CO3 3UL Email: colchesterspd@essex-fire.gov.uk
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: licenceapplications@essexcc.gov.uk
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: tsinformationandbusinesssupportteam@essex.gov.uk
Tendring District Council - [Planning]	Planning Support Team Leader Planning Services Tendring District Council Council Offices Weeley Essex CO16 9AJ Email: planning.services@tendringdc.gov.uk

Tendring District Council – [Environmental Health]	Environmental Health 88-90 Pier Avenue Clacton on Sea Essex CO15 1TN Email: environmental.services@tendringdc.gov.uk
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Email: info@gamblingcommission.gov.uk
HM Revenue & Customs	Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbermaud Glasgow G70 5WY Email: nrubetting&gaming@hmrc.gsi.gov.uk

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"> ❑ Automatic provision ❑ Regulations provided by Secretary of State ❑ Conditions provided by Gambling Commission ❑ Conditions provided by Licensing Authority <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.</div> <div><input type="checkbox"/> Incidental Non Commercial Lotteries.</div> <div><input type="checkbox"/> Private Lotteries.</div> <div><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"> ❑ Lives sufficiently close to the premises to be likely affected by the authorised activities. ❑ Has business interests that might be affected by the authorised activities. ❑ Represents persons in either of the above groups.
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"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <ul style="list-style-type: none"> ❑ Identify the promoting society; ❑ State the price of the ticket, which must be the same for all tickets; ❑ 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 ❑ State the date of the draw, or enable the date of the draw to be determined.

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:- <ul style="list-style-type: none"> <input type="checkbox"/> Have at least 25 members; <input type="checkbox"/> Be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> Be permanent in nature; <input type="checkbox"/> Not be established to make commercial profit; <input type="checkbox"/> Be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	There are three types of Private Lotteries: <ul style="list-style-type: none"> <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"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
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
Large casino (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)
Small casino (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)
Pre-2005 Act casino (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead
Betting premises and tracks occupied by pool betting				Maximum of 4 machines categories B2 to D (except B3A machines)
Bingo premises¹				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
Adult gaming centre²				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
Licensed family entertainment centre³				No limit on category C or D machines
Family entertainment center (with permit) ³				No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴				Maximum of 3 machines in categories B3A or B4 to D
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit
Travelling fair				No limit on category D machines

- ¹ 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.
- ² 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.
- ³ 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.
- ⁴ 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.
- ⁵ 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

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
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

This Policy is also available on the Council's Website

www.tendringdc.gov.uk

BENGALI

যদি আপনার এই নথিটি বাংলা ভাষায় প্রয়োজন হয়, তাহলে 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订购。

GUJERATI

જો આ દસ્તાવેજ તમને ગુજરાતીમાં જોઈતું હોય તો 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 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

TURKISH

Eğer bu dökümanı Türkçe olarak istiyorsanız, çeviri www.Tendringdc.gov.uk yolu ile düzenlenebilir.

URDU

اگر آپ کو اس دستاویز کی ضرورت اردو میں ہے تو www.Tendringdc.gov.uk کے ذریعہ اس کے ترجمہ کی فرمائش کی جا سکتی ہے

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BY EMAIL ONLY
LICENSING SECTION
TENDRING COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4197685
Your ref:
Date: 09 November 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

Figures published by the Gambling Commission in October 2021 show that the rate of problem gambling in the year to September 2021 was 0.3%, having fallen from 0.6% the previous year.

We might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

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

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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

Considerations specific to the Gambling Licensing Policy Statement 2022-2025

On behalf of the BGC we welcome the light-touch approach adopted by the draft statement of principles. In the circumstances, there is very little upon which we feel it necessary to comment.

Paragraph 15.8 in Part B indicates that applicants are expected to offer their own suggestions as to the way in which the licensing objectives can be effectively met. This is in the part of the policy which explains the licensing authority’s approach to conditions and we would recommend that this paragraph be redrafted to avoid any confusion with Licensing Act 2003 requirements. It is very important that a distinction is made between applications made under Licensing Act 2003 and those made under Gambling Act 2005. Under Licensing Act 2003, applicants are expected/required to identify measures to be taken to promote the licensing objectives in the operating schedule. These are then converted into conditions. There is no similar facility or expectation under Gambling Act 2005.

As acknowledged in the previous paragraph (15.17) Gambling Act 2005 premises licences are subject to mandatory and default conditions which are designed to be, and usually are, sufficient to ensure operation that is reasonable consistent with the licensing objectives.

It is important that these policies, procedures, and mitigation measures to meet the licensing objectives as required by paragraph 15.8 are dealt with via the risk assessment rather than by way of licence conditions (where possible) as the risk assessment is a dynamic document which (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risk change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change those conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.

Paragraph 24.2 refers to *“nationally expressed concerns that exist in relation to the potentially adverse impact FOBTs may have on vulnerable groups of adults.”* This paragraph appears in the current policy, adopted in January 2019 and reflected concerns that existed at that time. This paragraph should now be updated (rather than simply repeated) as the reduction in minimum stake from £100 to £2 which took effect in April 2019 has changed the way that these machines are played and attitudes to them.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

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From: Tanya Wheeler
Sent: 27 October 2021 13:03
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Gambling Act

Dear Mr Cook,

Many thanks for sending the Gambling Act for our perusal - the only amendment we could see was that 'CRB' has been updated to 'DBS'.

Kind regards,

Tanya Wheeler
Executive Assistant to Sharon Alexander
<https://cvstendring.org.uk>



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