

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 07 October 2015 at 18:00**

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

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COLCHESTER BOROUGH COUNCIL
Licensing Committee
Wednesday, 07 October 2015 at 18:00

Member:

Councillor Mike Lilley	Chairman
Councillor Nick Cope	Deputy Chairman
Councillor Roger Buston	
Councillor Margaret Fairley-Crowe	
Councillor Ray Gamble	
Councillor Dave Harris	
Councillor Pauline Hazell	
Councillor Mike Hogg	
Councillor Darius Laws	
Councillor Richard Martin	
Councillor Philip Oxford	

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3 **Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

4 **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 **Have Your Say!**

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the

public who wish to Have Your Say! on a general matter not on this agenda.

6 **Revised Statement of Gambling Licensing Policy** 7 - 70
See report by the Head of Professional Services

7 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

e-mail: licensing.committee@colchester.gov.uk

website: www.colchester.gov.uk



Licensing Committee

Item

6

7 October 2015

Report of	Head of Professional Services	Author	Jon Ruder
Title	Revised Statement of Gambling Licensing Policy		
Wards affected	Not applicable		

This report seeks the Licensing Committee's approval of the draft Gambling Licensing Policy 2016 to 2019 and to agree to the commencement of the formal consultation process. It also sets out the consultation process.

1. Decisions Required

- 1.1 The Licensing Committee is asked to agree the proposed draft Statement of Gambling Licensing Policy to enable the formal consultation process on that draft to begin.
- 1.2 Members are also asked to agree to the proposed consultation process.

2. Reasons for the Decision

- 2.1 Under the Gambling Act 2005, the Council needs to review and readopt a Statement of Gambling Licensing Policy every three years.

3. Alternative Options

- 3.1 There is no alternative option and the Policy must be reviewed and readopted in order to be compliant with current legislation.

4. Supporting Information

- 4.1 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.
- 4.2 The Council is required by law to formulate its own Gambling Licensing Policy Statement which must be reviewed and republished every three years. The reviewed policy sets out the principles that the Council, as licensing authority, will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the period the policy is in force.
- 4.3 The Gambling Commission is currently in the process of consulting on its 5th edition of their Guidance to Licensing Authorities. In its bulletin it states that the proposed revisions do not represent a change of policy or approach, but seek to reinforce the tools that enable licensing authorities to regulate gambling at a local level. The introduction refers to the previous Guidance of Licensing Authorities of September 2012 and to the regulatory and legislative changes since this date, which necessitate updates to the guidance. Proposed amendments include those relating to recent changes to the licence conditions and codes of practice; the promotion of local partnership working between

licensing authorities and gambling operators; and to proposed amendments to provide greater clarity on the range of powers afforded to Licensing Authorities to manage local gambling regulation through measures such as their Statements of Licensing Policy.

- 4.4 The Commission highlights the strengthening of the narrative emphasising the role and powers of licensing authorities and their mandate to manage local gambling provision.
- 4.5 In the light of the imminent changes to the Guidance, this draft of the policy contains only the minimum of amendments and no changes to the intent or direction of the policy. Once the updated guidance has been issued by the Gambling Commission a more fundamental review of the Policy will be carried out.

5. Consultation

- 5.1 As no significant changes have been made to the policy a relatively short consultation period is proposed starting on 8 October and ending on 8 November 2015.
- 5.2 Letters advising of the consultation have been sent to the responsible authorities, members and other persons who would have an interest in the policy and to businesses that are, or will be, holders of a premises licence.
- 5.3 At the end of the consultation period the representations received will be considered by the Licensing Committee at its meeting on 26 November and the Committee will be asked to recommend its approval and ratification to full Council on 10 December 2015.

6. Proposals

- 6.1 It is proposed to the Licensing Committee that it should approve the draft Statement of Gambling Licensing Policy presented to it and which is included at Appendix 1.

7. Strategic Plan References

- 7.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

8. Publicity Considerations

- 8.1 If Members approve the proposed draft Policy, it is intended that this will be the subject of a public consultation as set out in 5.2 and the Policy itself will available to view and download from the Council's website.

9. Financial Implications

- 9.1 There will be costs associated with sending out the letters of consultation. In addition the updating of the policy will minimise any risk of a judicial review from any aggrieved applicant.

10. Equality, Diversity and Human Rights Implications

10.1 The draft revised Statement of Gambling Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

11. Community Safety Implications

11.1 The policy deals with the protection of children and vulnerable adults.

12. Health and Safety Implications

12.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Gambling Licensing Policy. The adoption the Policy for a further 3 years is also a legal requirement under the Gambling Act 2005.

13. Risk Management Implications

13.1 A flexible yet robust revised Statement of Gambling Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making and a secure platform from which to promote the licensing objectives as outlined in the Gambling Act 2005.

COLCHESTER BOROUGH COUNCIL
GAMBLING LICENSING POLICY STATEMENT
2016-2019

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PART A GENERAL INTRODUCTION

1. INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles the Colchester Borough Council, as the Licensing Authority under the Gambling Act 2005 (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. 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. LICENSABLE ACTIVITIES & FUNCTIONS OF LICENSING AUTHORITY

3.1 The following are the gambling activities that are allowed by the Act and in respect of which authorisations can be applied for from the Licensing Authority (in some cases authorisations must also be obtained from the Gambling Commission):-

- Casinos
- Bingo
- Betting Premises
- Tracks
- Adult Gaming Centres
- Licensed Family Entertainment Centres
- Unlicensed Family Entertainment Centres
- Club Gaming Permits
- Club Machine Permits
- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming

- Prize Gaming Permits
- Small Society & Local Authority Lotteries

3.2 The following are the main regulatory functions of the Licensing Authority in relation to gambling:-

- License Premises for gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider occasional use notices for betting at tracks and;
- Register small societies' lotteries.

4. DESCRIPTION OF THE DISTRICT

4.1 Colchester is Britain's oldest recorded town. It was the administrative centre of Roman Britain and has a heritage of national importance. The modern borough of Colchester also has a large and rich rural hinterland. This makes Colchester an obvious visitor centre. Our historic buildings, green spaces, countryside and coastline all help create a high quality environment for local people. More than five million people visit Colchester every year from Britain and overseas.

4.2 Colchester is also special because of the different communities who enjoy life here. These include people who are based around the coastal, rural and riverside parts of the borough, those who choose to live near to the heart of town, and people living on well-established, large housing estates, as well as those who are now moving into one of the new communities that are developing around the regeneration areas. The University and the Garrison bring an extra perspective too, with hundreds of new people coming into the borough every year. Colchester is also somewhat unusual because of the large number of residents who live in and around the town centre itself, in historical areas such as the "Dutch Quarter".

4.3 Colchester's educational and training institutions range from the national award-winning nursery, primary and secondary schools and Sixth Form College, to a nationally acclaimed technology college and a leading university. Britain's most important army garrison is based in Colchester, and there has been a major military centre here since the first millennium.

4.4 Colchester has a rare opportunity to develop a vibrant future because of its strategic position and the availability of brownfield land. The town is seen as a logical centre for commerce, shopping and visitors and is strategically positioned just 45 minutes away by road from London's third airport at Stansted and is close to the Haven

Ports of Harwich International and Felixstowe. With excellent rail links to London and the A12/M25 road networks so accessible, Colchester is close enough to London to provide good business opportunities at an economic rate. Colchester is the natural centre for the surrounding rural areas of north Essex, south Suffolk and beyond.

4.5 A map of the Borough is attached as Appendix 7.

5. RESPONSIBILITIES UNDER THE ACT

5.1 The Act introduced a new licensing regime for commercial gambling, to be operated by the Gambling Commission and/or by Licensing Authorities, depending on the matter to be licensed.

5.2 The Act established each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Colchester Borough Council is the Licensing Authority for the Colchester District.

5.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations that:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software;
- promote a lottery; or
- provide facilities under a general betting operating licence.

5.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting (regulated by the Financial Services Authority) and the National Lottery (regulated by the National Lottery Commission). 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.

5.5 The Licensing Authority cannot become involved in the moral issues relating to 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 codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives and subject to both of the above provisions; and

- in accordance with the Licensing Authority's Statement of Licensing Policy and subject to all three of the above provisions.

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

6. STATEMENT OF LICENSING POLICY

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

6.2 In this document this is referred to as 'the Policy'. This Policy must be 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.

6.3 This Policy takes effect on 31 January 2016.

7. CONSULTATION

7.1 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 list of the other groups and persons consulted is also provided below.

7.2 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.

7.3 The other groups and people consulted were:-

- organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers 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.

7.4 The Licensing Authority's consultation took place between 8 October and 8 November 2015.

7.6 A full list of comments made, and details of the Council's consideration of those comments, is available via the Licensing Authority's website at:-
www.colchester.gov.uk or by email to licensing.committee@colchester.gov.uk

8. APPROVAL OF POLICY

8.1 This Policy was approved by full Council on . It was published via its website on

8.2 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 entirely on its own individual merits and in accordance with the requirements of the Act.

9. DECLARATION

9.1 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 received during the consultation process.

9.2 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 part of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the Guidance or regulations issued under the Act.

10. RESPONSIBLE AUTHORITIES

10.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 2. It should be noted that, under the Act, the Licensing Authority is designated as a Responsible Authority.

10.2 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 invested interest group etc.

10.3 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.

11. INTERESTED PARTIES

11.1 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:- lives sufficiently close to the premises to be likely to be affected by the authorised activities, has business interests that might be affected by the authorised activities, or represents persons who satisfy paragraphs (a) or (b)'.

11.2 Interested parties can be persons who are democratically elected, such as District, Town and Parish Councillors and MPs. 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, Town and Parish Councils likely to be affected are also considered to be interested parties.

11.3 Colchester Borough Councillors, who are members of the Licensing Committee, may also qualify to act as an 'interested party'. In order to resolve any potential conflict of interest, these members will not be eligible to sit on a Sub-Committee to determine an application for any premises within their own Ward. However, a Member of the Licensing Committee or any other Ward Councillor with a prejudicial interest in an application although not permitted to sit on a Licensing Sub Committee, may appear before it to make a representation in the capacity of an 'Interested Party'.

11.4 Other than persons mentioned in paragraphs 11.3 and 11.4, the Licensing Authority will generally require some form of written confirmation that a person is authorised to represent an interested party.

11.5 The Licensing Authority considers that 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.

11.6 In determining whether 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.

12. EXCHANGE OF INFORMATION

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

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

12.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form). An audit trail should include:-

- A record of data disclosed;
- A project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

13. PUBLIC REGISTER

13.1 The Licensing Authority is required to keep a public register and share information contained 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.

14. COMPLIANCE AND ENFORCEMENT

14.1 It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Gambling Act. Equally important is ensuring that premises not licensed to provide gambling activities are prevented from doing so. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with the licence conditions and the specific requirements of the Act. The Council will also monitor the Borough for unlicensed activities that require a licence and then act accordingly and in line with the Council's Enforcement Policy.

14.2 Enforcement activities to promote the licensing objectives will be targeted and will concentrate on those premises that present a greater risk; have a history of non-compliance with conditions and regulations; or demonstrate poor management practice.

14.3 The Licensing Authority is the lead authority on the Council's Licensing Enforcement Group which comprises representatives from all the responsible authorities and the Garrison. The Group meets monthly to share information on licensed venues. The aims and responsibilities of the Group are to:

- Improve the local and immediate neighbourhood that is affected by poorly managed premises.
- Raise the levels of compliance and standards of management in licensed premises.
- Prevent a possible escalation of problems with early and coordinated intervention.
- Enable the Licensing Authority to optimize its role as responsible authority under the Licensing and Gambling Act.
- Improve understanding and foster positive working relationships between all responsible authorities.

14.4 The Licensing Authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon the promotion of the Licensing Objectives. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.

14.5 Failure to promote the Licensing objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee. Additionally, where offences are committed and/or licence conditions are not adhered to, prosecution will be considered.

14.6 The Licensing Authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

14.7 The principles of enforcement for the Licensing Authority focus on:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting businesses and others in meeting their legal obligations
- Promptly acting on issues of concern to local communities.

14.8 The Responsible authorities are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

15. DELEGATION OF POWERS

15.1 The Council has agreed a scheme of delegation for discharging its functions under the Act and this can be found as Appendix 3 of this policy.

PART B

PREMISES LICENCES

16. GENERAL PRINCIPLES

16.1 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 necessary or appropriate.

16.2 Licensing Authorities are required by Section 153 of the Act, in making decisions about Premises Licences, to aim to permit the use of premises for gambling so far as it thinks it:-

- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- To be reasonably consistent with the Licensing Objectives and subject to both of the above provisions; and
- In accordance with the Authority's Policy and subject to all three of the above provisions.

16.3 Save as required by that section, each and every application for a licence will be considered and determined on its own individual merits having due regard to the Licensing Objectives, Codes of Practice, Guidance and Policy.

16.3 Definition of Premises:

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises. However this determination will always be considered in conjunction with the Guidance issued by the Gambling Commission. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separated can be properly regarded as different premises. The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

16.4 Demand:

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

16.5 Location:

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

16.6 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be avoided where possible. The

Licensing Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

16.7 Licensing Objectives:

Premises Licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority will take into account the following:-

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

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will nevertheless pay close attention to the proposed location of gambling premises in terms of promoting this licensing objective.

Where an area has known high levels of crime and disorder the Licensing 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.

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 Gambling Act 2005.

- (ii) 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 reasonable and necessary conditions to ensure that the environment in which betting takes place is suitable.

- (iii) 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.

The Council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and vulnerable adults centres, or residential area where there might be high concentration of families with children

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.

16.8 Conditions:

Any conditions attached to Licences by the Licensing Authority 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 may particularly take into account the following:

- 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, and helpline numbers for organisations such as GamCare.

16.9 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 about the way in which the Licensing Objectives can be effectively met.

16.10 It is acknowledged 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); and
- Conditions in relation to stakes, fees, and the winning of prizes.

16.11 Door Supervisors:

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises from 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.

The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervisors are both necessary and proportionate.

16.12 Credit:

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. However, cash dispensers (ATMs) may be installed in such premises but the Licensing Authority may apply conditions prescribing where they are sited.

16.13 Betting Machines:

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 reasonable and necessary conditions to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the Casino).

16.14 When considering whether to impose reasonable, necessary and proportionate conditions to restrict the number of betting machines in particular premises the Licensing Authority, among other things, may 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.

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

17. PROVISIONAL STATEMENTS

17.1 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 Provisional 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.

18. REPRESENTATIONS AND REVIEWS

18.1 Representations and applications for review of a Premises Licence may be made by responsible authorities and interested parties.

18.2 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 reasonable and necessary. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Planning and Licensing Service Manager as being the proper person to act on its behalf.

18.3 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.
- made on the grounds that will certainly not cause the Authority to wish to alter/revoke/suspend the Licence or remove, amend or attach conditions to 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.

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

19. ADULT GAMING CENTRES

19.1 An Adult Gaming Centre is defined in Appendix 1 of this policy. Entry to these premises is age restricted.

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

20. (LICENSED) FAMILY ENTERTAINMENT CENTRES

20.1 A Licensed Family Entertainment Centre is defined in Appendix 1 of this policy. 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.

20.2 The Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will encourage the applicant to satisfy the Authority that they have taken reasonable and proportionate measures to ensure that under 18 year olds do not gain access to any area of the premises that may contain adult only gaming machines and that vulnerable persons should not be exploited on the premises.

20.3 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises, but would also encourage applicants to voluntarily offer their own measures to promote the licensing objectives. Such measures may include:

- Proof of age schemes
- CCTV
- Supervision of entrances and machine areas
- Physical separation of areas
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Self-barring schemes
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Measures/training for staff by way of written procedures covering how staff would deal with unsupervised and obviously very young children being on the premises, or unsupervised children causing problems on or around the vicinity of the premises.
- Specific opening hours

21. CASINOS

21.1 The Licensing Authority has not passed a resolution under Section 166(1) of the Gambling Act 2005 which would allow it to grant a Casino licence.

21.2 Any future decision to pass or not pass such a resolution will be made by the Council's Licensing Committee and will need to be endorsed by the full Council, but will only be taken after a full consultation process has been undertaken within its area.

21.3 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.

21.4 Betting Machines:

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

- size of the premises;
- number of counter positions available for person to person transactions; and
- ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- steps that the applicant has taken, or is offering, to positively and proportionately promote the licensing objectives.

21.5 In deciding whether to impose reasonable and necessary conditions to limit the number of betting machines, each application will be considered entirely on its own individual merits and account will be taken of all Codes of Practice or Guidance that has been issued under the Act.

21.6 Credit:

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

22. BINGO PREMISES

22.1 A Bingo premises is defined in Appendix 1 of this policy. 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.

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

22.3 Credit:

Credit facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of ATMs on the premises, although the Licensing Authority may attach conditions as to the siting of such machines, for example by requiring adequate separation from areas used for gambling.

23. BETTING PREMISES

23.1 Betting Premises are defined in Appendix 1 of this policy.

24. TRACKS

24.1 A Track is defined in Appendix 1 of this policy. Entry to these premises is generally age restricted other than on event days. On event days, specific areas within the Track may also be age restricted dependent on the licensable activities taking place.

25. TRAVELLING FAIRS

25.1 It is for the Licensing Authority to 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

26. GENERAL

26.1 Forms and method of application, and any additional information or documents required, for permits covered by this section are available via a link from the Council's website, www.colchester.gov.uk

27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

27.1 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, however, that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic criminal record check for staff or equivalent criminal records check for the applicant & also the person who has 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, or around, the premises,
 - Safeguarding awareness training, and
 - Suspected truant children

28. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises (under the Licensing Act 2003) to automatically have two gaming machines, of Categories C and/or D, by the person who holds the 'on' premises licence notifying the Licensing Authority at least two months before the expiry of their current permit or of their intention to make gaming machines available for use. Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.

28.2 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
- with regard to the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information and leaflets/help-line numbers for organisations such as GamCare; and
- 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.

28.3 Where the Licensing Authority is satisfied that the applicant has provided sufficient measures to protect children and vulnerable persons from harm, or from being exploited by gambling, the Licensing Authority will grant permits allowing up to a maximum of four machines per premises without the need for the application to be considered and determined by the Licensing Sub Committee.

29. PRIZE GAMING PERMITS

29.1 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Criminal Record Bureau check or equivalent criminal records check for the applicant and the person having day to day control of the premises;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises or
 - suspected truant children
 - safeguarding awareness training, and
 - suspected truant children

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

30. 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. A fast track procedure is available for premises that hold a Club premises certificate under the Licensing Act 2003.

31. TEMPORARY USE NOTICES (TUNs)

31.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 4 of this licensing policy.

31.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations have been issued by the Secretary of State prescribing the activities to be covered. At present a temporary use notice can only be granted for equal chance gaming.

31.3 For the purpose 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.

31.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

31.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

32. OCCASIONAL USE NOTICES

32.1 Occasional Use Notices defined in Appendix 1 of this licensing policy, 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.

32.2 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.

32.3 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. The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

32.4 The person in the Licensing Authority who is designated to receive the OUN's and assess validity is specified in the scheme of delegation as shown in Appendix 3 of this licensing policy. A copy must also be served on the local Chief Police Officer for the area.

33. SMALL SOCIETY LOTTERIES

33.1 The definition of a Small Society Lottery is contained in Appendix 1 of this licensing policy and these require registration with the Licensing Authority.

34. GAMING MACHINES

34.1 The table below shows the various categories of gaming machine and the maximum stakes and prizes that may be operated under a premises licence.

Category of Machine	Maximum Stake £	Maximum Prize £
A	Unlimited – no category A gaming machines are currently permitted	Unlimited – no category A gaming machines are currently permitted
B1	5	10,000
B2	100 in multiples of 10	500
B3	2	500
B3A	2	500
B4	2	250
C	1	100
D money prize	10p	5
D – non money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D Non money prize (crane grab machine)	1	50
D – combined money and non money prize (other than a coin pusher or penny falls machine)	10p	8 (of which no more than 5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	15 (of which no more than 8 may be a money prize)

A separate table (Appendix 4) shows which types of gambling premises may have which category of gaming machine.

Appendix 1

DEFINITIONS/GLOSSARY OF TERMS

In this Policy the definitions contained in Appendix 1 are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

Adult	An individual who is not a child or young person.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect (Premises limited to entry by adults making Category B, C and D gaming machines available to their customers).
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	Conditions to be attached to licences by way of:- Automatic provision Regulations provided by Secretary of State Conditions provided by Gambling Commission Conditions provided by Licensing Authority 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.

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 from the Gambling Commission. There are four types: Small Society Lottery (required to register with Licensing Authorities). Incidental Non Commercial Lotteries. Private Lottery (Private Society, Work or Residents lottery). Customer Lotteries.
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	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3rd edition dated May 2009.

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:- lives sufficiently close to the premises to be likely affected by the authorised activities; have business interests that might be affected by the authorised activities, or represents persons in either of these two groups. See paragraph 10.6 for the criteria the Licensing Authority will apply in determining who lives or has business interests sufficiently close to the premises that they are likely to be affected by any authorised activities.
Licensing Authority	Colchester District Council acting under Section 2 of the Act.
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 Objectives	Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Ensuring that gambling is conducted in a fair and Open way. Protecting children and other vulnerable persons From being harmed or exploited by gambling.

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:- 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:- have at least 25 members; be established and conducted 'wholly or mainly' for purposes other than gaming; be permanent in nature; not be established to make commercial profit; and be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' for eight days or less in a calendar year 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 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	<p>Issued by the Gambling Commission. Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling</p> <p>Casino Operating Licence</p> <p>Bingo Operating Licence</p> <p>General Betting Operating Licence</p> <p>Pool Betting Operating Licence</p> <p>Betting Intermediary Operating Licence</p> <p>Gaming Machine General Operating Licence (for an Adult Gaming Centre Operator or a Family Entertainment Centre)</p> <p>Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)</p> <p>Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software)</p> <p>Lottery Operating Licence</p>
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. Issued by the Licensing Authority (for Unlicensed Family Entertainment Centres, Prize Gaming, Gaming Machines, on alcohol related premises, Club Gaming and Club Gaming Machines).
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', including a vehicle, vessel or moveable structure. 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	<p>There are three types of Private Lotteries:</p> <p>Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</p> <p>Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</p> <p>Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	Where the nature and size of the price 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	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:-</p> <p>Expects to be constructed.</p> <p>Expects to be altered.</p> <p>Expects to acquire a right to occupy.</p>
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	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <p>Colchester District Council acting as the Licensing Authority</p> <p>The Gambling Commission</p> <p>The Chief Officer of Police (Essex Police)</p> <p>Essex County Fire and Rescue Service</p> <p>Local Planning Authority, ie Colchester District Council Planning Department</p> <p>The authority having functions in relation to the environment or harm to human health, i.e. Colchester District Council Environmental Health</p> <p>Essex Local Safeguarding Children's Board</p> <p>HM Revenue and Customs</p> <p>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</p> <p>Other persons prescribed by the Secretary of State</p>
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of 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 Gambling Act 2005.
The Council	Colchester Borough 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:- gamble more than they want to gamble beyond their means 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.

Appendix 2

RESPONSIBLE AUTHORITIES

The following table shows the Responsible Authorities designated under the Act and their relevant contact details.

RESPONSIBLE AUTHORITY	CONTACT DETAILS
Licensing Authority	Licensing Food Safety Manager Colchester Borough Council Environmental and Protective Services Po Box 889 Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail address: licensing@colchester.gov.uk Website: www.colchester.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP e-mail address: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
Essex Police	Police Licensing Officer Essex Police Colchester Police Station 10 Southway Colchester CO3 3BU e-mail address: ED-Licensing@essex.pnn.police.uk Website: www.essex.police.uk
Essex County Fire & Rescue Service	Community Commander Colchester & Tendring Community Command Block C Park Road Colchester CO3 3UL e-mail address: ct.command@essex-fire.gov.uk Website: www.essex-fire.gov.uk

Planning Services	Planning Services Manager Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail address: licensing@colchester.gov.uk Website: www.colchester.gov.uk
Environmental Protection	Environmental Control Manager Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail: environmentalcontrolteam@colchester.gov.uk Website: www.colchester.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@essex.gov.uk Website: www.essexcc.gov.uk
HM Revenue & Customs	Tj Proper Officer H M Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY e-mail: nrubetting&gaming@hmrc.gsi.gov.uk Website: www.hmrc.gov.uk
Trading Standards	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS

Appendix 3

SCHEME OF DELEGATION

Licensing Authority Delegations as permitted under the Gambling Act 2005.

(Note: X indicates the lowest level at which decisions are delegated (within Guideline limits)).

Matter to be dealt with	Council	Licensing Sub-Committee	Officers (Head of Professional Services unless indicated).
Final approval of three year licensing policy	X		
Fee Setting			X
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or 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 from the Commission
Review of premises licence		X	Chief Executive (will make decision as to whether to seek review of premises licence on behalf of Licensing Authority)
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club		X	

gaming/club machine permits			
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notices			
Decision to give a counter notice to a temporary use notice		X	
Policy to permit/not to permit Casino's	X		
Consideration of an Occasional Use Notice			X

Appendix 4

APPLICATION PROCESS

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

1. PREMISES LICENCES

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

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

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

1.4 A Licence is restricted to one premise only. However, one set of premises may have separate licences issued in respect of different parts of the building. Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

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

2. BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

2.1 New Licences or Permissions

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

3. TRACKS

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

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

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

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

3.5 Betting machines may also be operated at tracks (see 'Betting machines'). The licensing process is the same as for other premises described above.

4. BETTING MACHINES

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

5. GAMING MACHINE SUPPLY & REPAIR

5.1 These activities require Operators Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

6. GAMING MACHINES IN LICENSED PREMISES

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

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

Fig. 1

Category of Machine	Maximum Stake £	Maximum Prize £
A	Unlimited – no category A gaming machines are currently permitted	Unlimited – no category A gaming machines are currently permitted
B1	5	10,000
B2	100 in multiples of 10	500
B3	2	500
B3A	2	500
B4	2	250
C	1	100
D money prize	10p	5
D – non money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D Non money prize (crane grab machine)	1	50
D – combined money and non money prize (other than a coin pusher or penny falls machine)	10p	8 (of which no more than 5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	15 (of which no more than 8 may be a money prize)

Fig. 2

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

Club Gaming Permit				B3A, B4, C and D	3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners
Club Machine Permit				B3A, B4, C and D	3 total
Licensed premises: automatic				C and D	2 total
Licensed premises: Gaming Machine Permit				C and D	Unlimited

*Licensed AGC and Bingo premises in existence before 13th July 2011 are entitled to make available four (AGCs) or eight (Bingo) Category B Gaming Machines, or 20% of the total number of Gaming Machines, whichever is greater. AGC and Bingo Premises Licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of four or eight category B Gaming Machines or 20% of the total number of Gaming Machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of Gaming Machines only.

7. TEMPORARY USE NOTICES (TUNs)

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

7.2 A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts. In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

7.3 The Licensing Authority will generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

7.4 Issue

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

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

The Notice must include details of: -

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

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

7.5 Objections

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

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

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

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

8. OCCASIONAL USE NOTICES (OUNs)

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

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

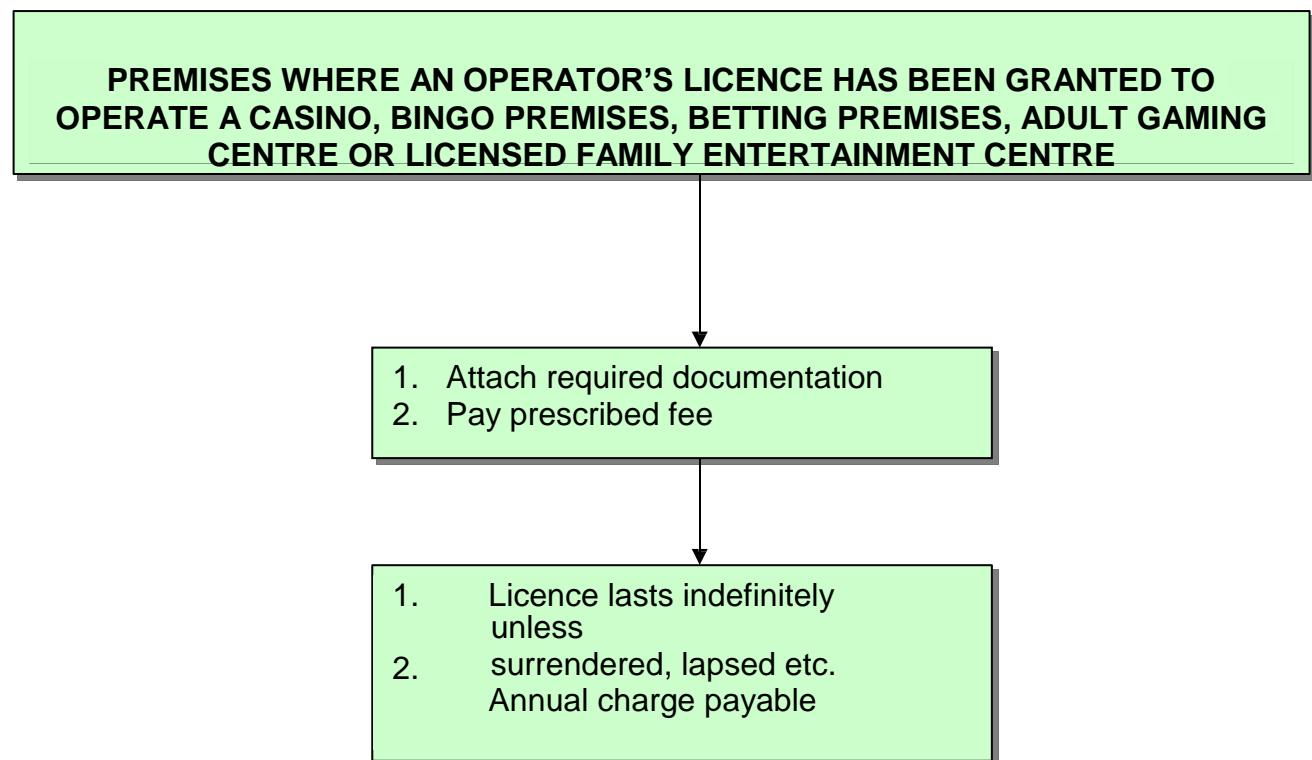
8.3 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track. Issue

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

8.5 Objections

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

9. PREMISES LICENCES



10. GAMING PERMITS

10.1 Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: - Gaming machines in alcohol-licensed premises, Member's Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below) Equal chance gaming, games of chance and gaming machines in Member's Clubs, and Prize gaming, e.g. at Travelling Fairs.

11. GAMING MACHINES

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

Fig. 3

Category of machine	Maximum Stake £	Maximum Prize £
B3A	2	500
B4	2	400
C	1	100
D (Money prize)	10p	5
D Non money prize (other than a crane grab)	30p	8
D Non money prize (crane grab machine)	1	50
D combined money and Non money prize (other than a coin pusher or penny falls machine)	10p	8 (of which no more than 5 may be a money prize)
D combined money and non money prize (coin pusher or penny falls machine)	20p	20 (of which no more than 8 may be a money prize)

The category and number of machines that may be operated under a Premises Licence are shown in Figure 2 above.

Fig. 4

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miner's Welfare Institutes with Permits	Maximum of 3 category B3A to D machines							
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with Gaming Machine Permit							Unlimited entitlement of 1 or 2 category C or D machines	
Family Entertainment Centre (with permit)							Unlimited category D	
Travelling Fair							Unlimited category D	

12. ALCOHOL LICENSED PREMISES

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes. Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

12.1 Automatic Entitlement

The Act gives an automatic entitlement for the Holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises. An application for a Permit is not required but Premises Licence Holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

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

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

12.2 New permits

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

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

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

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

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

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

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

MEMBER'S CLUBS

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

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

New Permits

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

An application under this process may be refused if the Club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a Club Machine Permit issued to the applicant within the preceding 10 years has been cancelled. An application and payment of the prescribed fee is required. A Permit has effect for 10 years unless surrendered or revoked.

Applications for a Permit for premises not holding a Club Premises Certificate a Commercial Member's Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

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

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

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

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

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

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

OTHER PREMISES

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

15. UNLICENSED FAMILY ENTERTAINMENT CENTRES

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

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

An application for a Permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period.

The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

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

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

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

16. PRIZE GAMING

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

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

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

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

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

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance. A prize gaming Permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

16.1 New Permits

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

- Prize gaming without a Permit
- Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Act, except that Casinos may not offer prize bingo.
- Unlicensed FECs may also offer equal chance gaming only, under the authority of their Gaming Machine Permit.
- Travelling Fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

17. TRAVELLING FAIRS

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

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

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

AFTER 1 SEPTEMBER 2007

UP TO 2 MACHINES

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

MORE THAN 2 MACHINES

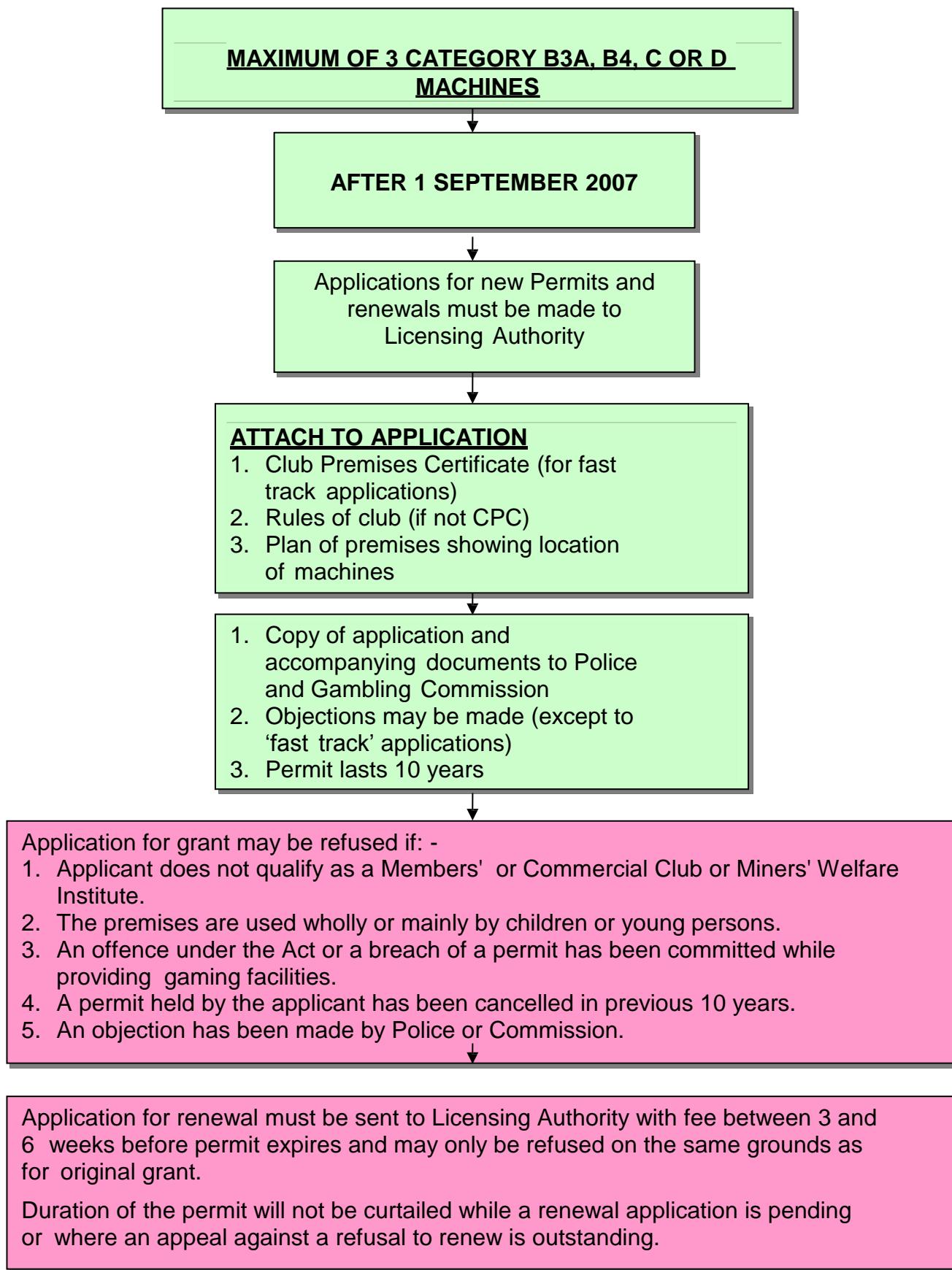
1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

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

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

BUT

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



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

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

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

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

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

Permits will lapse if: -

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

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

NEW PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

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

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

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

Permits will lapse if: -

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

22 LOTTERIES

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

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

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

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

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

The Licensing Authority will require applicants to declare: -

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

The Licensing Authority may refuse an application if: -

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

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

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

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

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

NEW REGISTRATIONS

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

Lottery Requirements

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

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

Returns

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

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

23 EXTERNAL LOTTERY MANAGERS

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

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

REGISTRATION TO OPERATE AFTER 1 SEPTEMBER 2007

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

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
7. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence , or
3. Information provided in application is false/misleading

Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years

Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

Appendix 5

FEES



Colchester Borough Council
Approved Fees for Applications made under the Gambling Act 2005

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 found on the Council's website

Appendix 6

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. Links to a selection of these are shown below:

Trade Associations:

Association of British Bookmakers	Website: www.abb.uk.com
British Amusement Catering Trade Association (BACTA)	Website: www.bacta.org.uk
Bingo Association	Website: www.bingo-association.co.uk
British Horseracing Board	Website: www.britishhorseracing.com
British Greyhound Racing Board	Website: www.thedogs.co.uk
Casino Operators Association	Website: www.casino-coa.co.uk
National Casino Industry Forum	Website: www.britishcasinoassociation.org.uk
Remote Gambling Association	Website: www.rga.eu.com

Gambling Support Organisations

GAMCARE	Website: www.gamcare.org.uk
Responsibility in Gambling Trust	Website: www.rigt.org.uk
Gamblers Anonymous	Website: www.gamblersanonymous.org.uk

Other Links:

Department for Culture, Media & Sport (DCMS)	Website: www.culture.gov.uk
Casino Advisory Panel	Website: www.culture.gov.uk/cap

The Gambling Commission also maintains a list of useful contacts for organisations involved in gambling and these can be found on the commission's web site: www.gamblingcommission.gov.uk

Some of the organisations mentioned above also provide codes of practice on their web sites for their particular field of interest.

Appendix 7

MAP OF THE BOROUGH OF COLCHESTER



