

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 03 October 2018 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.

Information for Members of the Public

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<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

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COLCHESTER BOROUGH COUNCIL
Licensing Committee
Wednesday, 03 October 2018 at 18:00

Member:

Councillor Julie Young
Councillor Nick Cope
Councillor Roger Buston
Councillor Simon Crow
Councillor Paul Dundas
Councillor Dave Harris
Councillor Mike Hogg
Councillor Darius Laws
Councillor Patricia Moore
Councillor Gerard Oxford

Chairman
Deputy Chairman

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

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 29 August 2018

Minutes 29 August 2018

7 - 10

6 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

7 Revised Statement of Gambling Licensing Policy 2019-2022

11 - 60

The Committee have been asked to agree, for the purposes of a consultation, the draft Gambling Policy 2019-2022 and to agree to the commencement of a formal consultation process.

Part B

(not open to the public including the press)

8 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).

LICENSING COMMITTEE

29 August 2018

Present: - Councillors Julie Young (Chairman), Roger Buston, Nick Cope, Simon Crow, Paul Dundas, Dave Harris, Darius Laws and Gerard Oxford

62. Minutes

RESOLVED that the minutes of the meeting held on 25 July 2018 be approved as a correct record.

63. Have Your Say!

Mr Green, Secretary of the Hackney Carriage Association, addressed the Committee and spoke of his concerns with regard to the CCTV Policy. Mr Green asked whether it would be possible for the Council to purchase a bulk amount to reduce the cost and questioned the time limit in which they would be required to install the CCTV system. There was discussion around the issue of sound recording and what would happen if a driver forgot to switch on the equipment or if a passenger requested that it be turned off? Mr Ruder responded that a pragmatic approach would be taken depending on the circumstances of each case.

Cllr Young, Chairman, explained that the main aim was to protect drivers as well as the customers and that there would be a six week consultation period for both drivers and members of the public to give their views. The Committee would consider the outcome of the consultation at the meeting in November.

Ms Hardy, Manager of Panther Cabs, addressed the Committee acknowledging the importance of CCTV and explaining that her main concern was cost. Many of her drivers already had CCTV in their cars that had not cost anywhere near the £300-£600 that had been quoted for a system likely to meet the Council's standard. Concerns were also expressed around the filming of children and the use of CCTV when the vehicle was being used as a private vehicle. Mr Ruder responded that the Council would only ever request to see footage if there was a complaint either by a passenger or by a driver and that drivers would have no facility to be able to review or access any footage recorded by their system.

Cllr Young explained that if a good deal could be made with a provider they're could be a big chance of the equipment being cheaper but encouraged all parties to get involved in the 6 week consultation so all areas could be looked at.

Mr Fisher, Manager of All The 8's, explained to the Committee that most of his cars already had CCTV fitted at a unit cost considerably lower than the current price being quoted. If the

CCTV policy was to go ahead it would cost him around £20,000 to make all his cars compliant. He also raised concerns regarding insurance cover; some policies required the installation of certain equipment and it was unclear how this equipment would work alongside the new CCTV that the Council required.

Cllr Young requested officers to carry out some further work in relation to the purchasing of CCTV during the six week consultation period so that the matter could be considered again at the end of the consultation period.

64. Hackney Carriage and Private Hire Licensing Policy

The Committee considered a report by the Assistant Director of Environment on the further changes to the Hackney Carriage and Private Hire Licensing Policy including the Policy in relation to CCTV and to approve a further period of consultation.

The Committee asked Mr Ruder several questions with regard to CCTV and he informed the Committee that some other Councils already operated the system the Council was currently suggesting and recorded conversations in certain circumstances. Mr Ruder reiterated that the Council would only request the CCTV in response to a complaint and that data was only retained for 28 days.

RESOLVED that the amendments to the Taxi Policy, as set out in the report, be agreed and that there be a further six week consultation period with the results reported to the November meeting of the Committee.

65. Pavement Permits (Street Restaurant, Café and Bar Furniture)

The Committee considered a report by Mr Ruder, Licensing, Food and Safety Manager, with regard to an introduction of a pavement permits. It was hoped that the permit and conditions system would encourage a café culture in relation to bars, pubs, restaurants and cafes within the town centre. The report sought the Committee's approval of the Pavement Permit Policy prior to its referral to Full Council.

The Committee questioned the cost of a permit, which was currently a single flat rate irrespective of the size of the premises, and asked that officers look again at the fee to see if it was possible to make the fee proportionate to the size of the venue. One member expressed concern at the implications of the policy for disabled access.

RESOLVED that after a formal vote, 5 members in favour and 1 against, the proposed Pavement Permit Policy be agreed and will come back to a future meeting with regards to the cost of a permit.

66. Scheme of Delegation to Officers by the Licensing Committee

Mrs White addressed the Committee on amendments to the Scheme of Delegation from the Licensing Committee to enable officers to act under delegated powers whilst bringing to Committee those matters which require its determination.

RESOLVED that the Scheme of Delegation to Officers by the Licensing Committee be approved.

67. Licensing Work Plan

Mr Ruder addressed the Committee and asked for its input with regard to the licensing work plan for the forthcoming year, after taking on the previous requests from the previous meeting.

RESOLVED that the itinerary for future meetings be agreed and the Hackney Carriage and Private Hire Licensing Policy be reported to the Committee on 14 November 2018 to allow time for the six week consultation period.

Exclusion of the Public (not Scrutiny or Executive)

68. Minutes of Previous Meeting (Confidential).

RESOLVED that the confidential minutes of the meetings held on 22 June 2018 and 26 June 2018 be approved as a correct record.

Report of	Assistant Director (Environment)	Author	Jon Ruder
Title	Revised Statement of Gambling Licensing Policy 2019-2022		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The Committee is asked to agree, for the purposes of consultation, the draft Gambling Policy 2019-2022 and to agree to the commencement of the formal consultation process.

2. Recommended Decision

- 2.1 To agree the proposed draft Statement of Gambling Licensing Policy, for the purposes of consultation.
- 2.2 To agree to the proposed consultation process as set out in Paragraph 8 of the report.

3. Reason for Recommended Decision

- 3.1 Under the Gambling Act 2005, the Council needs to review and readopt a Statement of Gambling Licensing Policy every three years. The policy must be in place by 31 January 2019.

4. Alternative Option

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

5. Detailed Considerations

- 5.1 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.
- 5.2 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.
- 5.3 The proposed changes to the Policy are marked in bold on the copy at Annex 1. The most significant changes relate to the requirement for applicant to carry out and review as necessary their local risk assessment. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the Council's policy statement.

- 5.4 To assist applicants in the completion of risk assessments that Council will be publishing a local area profile (LAP). Whilst the Council is not required to complete a local area profile there are significant benefits for both the licensing authority and operators in having a better awareness of the local area and risks. Risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks.
- 5.5 In creating the LAP the Council is drawing upon the knowledge and expertise of its partner agencies to produce a comprehensive profile of local risks; this will be updated periodically to reflect changes to the local environment landscape. The information is being mapped and will be demonstrated to the Committee at its meeting.
- 5.6 The benefits of the LAP are –
- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it.
 - Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application.
 - It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge.
 - It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

6. Equality, Diversity and Human Rights implications

- 6.1 The draft Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

7. Strategic Plan References

- 7.1 This Policy aims to contribute to the Council's strategic plan through the efficient and effective regulation of gambling premises thereby ensuring that the local risks identified.

8. Consultation and Publicity Considerations

- 8.1 The Policy will be the subject of a four week consultation. The results of the consultation will be reported to the Committee at its meeting on 14 November before being referred to full Council for consideration and approval on 6 December 2018. Those bodies set out in Paragraph 8 and Annex A of the Policy will be consulted and in addition a copy will be placed on the website and the general public will be invited to comment.

9. Financial Implications

- 9.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the policy. However, having consulted it is thought such a challenge is unlikely.

10. Community Safety and Public Health Implications

- 10.1 The Policy, through the creation of the Local Area Profile, identifies local risks including community safety and public health implications.

11. Health and Safety Implications

- 11.1 There is no known direct health and safety issues which might arise from the adoption of the revised Policy.

12. Risk Management Implications

- 12.1 A flexible yet robust revised Policy will continue to provide both the Council with a sound basis for decision making.



GAMBLING LICENSING POLICY STATEMENT

2019-2022

Colchester Borough Council

31 January 2019

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FOREWORD

PART A – INTRODUCTION

- 1.1 This Statement of Licensing Policy sets out the principles by which the Council, as the Licensing Authority (referred to in this document as ‘the Licensing Authority’) under the Gambling Act 2005 (referred to in this document as ‘the Act’), intends 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. Declaration

- 2.1 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, and will adopt the Principles of Better Regulation.
- 2.2 Appendices and information relating to this statement providing further information and guidance are 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.

3. The Licensing Objectives

- 3.1 In exercising most of its functions under the Act, the Licensing Authority 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.

4. Strategic Plan

- 4.1 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies. The Council's focus is on -

- **Growth** – Ensuring all residents benefit from the growth of the borough
- **Responsibility** – Encouraging everyone to do their bit in making our Borough even better
- **Opportunity** – Promoting and Improving Colchester and its environment
- **Wellbeing** – Making Colchester an even better place to live and supporting those who need the most help.

- 4.2 This Policy aims to contribute to this vision through the efficient and effective regulation of gambling premises thereby ensuring that the local risks identified are addressed.

5. Description of the District

- 5.1 Colchester is Britain's oldest recorded town. It was the administrative centre of Roman Britain and has a heritage of national importance dating back over 2000 years. The modern borough of Colchester has a thriving town centre with a vibrant and diverse night-time economy, attractive villages and important natural landscapes. Because of its strategic position and the availability of brownfield sites it has, in recent years, seen considerable growth and is now one of the fastest growing towns in the Country; the existence of the Garrison and University contribute to the overall diversity of the area.
- 5.2 The town 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.
- 5.3 The number of licensed premises under the Act has fallen by a third since its introduction. The last two years have seen some small growth in the adult gaming centre with the opening of two new premises.
- 5.4 A map of the Borough can be found at www.colchester.gov.uk/licensing

6. Responsibilities under the Act

- 6.1 The Act introduced a licensing regime for commercial gambling, to be operated by the Gambling Commission and/or by Licensing Authorities, depending on the matter to be licensed.
- 6.2 The Council is the Licensing Authority for the Borough of Colchester and its responsibilities must be discharged by a Licensing Committee created under Section 6 of the Licensing Act 2003.
- 6.3 The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:-

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

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

6.5 The Council 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 it thinks it is:-

- a. in accordance with any relevant Codes of Practice under Section 24 of the Act;
- b. in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- c. reasonably consistent with the licensing objectives (Subject to paragraphs a and b above, and
- d. in accordance with the Council's Statement of Licensing Policy (subject to paragraphs a and c above.

6.6 Before the Licensing Authority can consider an application for a premises licence, an operating licence and a personal licence must have been obtained from the Gambling Commission.

7. Statement of Licensing Policy

7.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy every three years. This Policy must 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.

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

8. Consultation

8.1 In producing this Policy, the Council consulted with those bodies listed in Annex A, the statutory consultees, local groups and other interested parties. In particular it

consulted with those organisations working with people who are problem gamblers; the Citizens Advice Bureau and Public Health.

8.2 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.

8.3 The consultation took place between 8 October and 4 November 2018.

9. Approval of the Policy

9.1 This Policy was approved by full Council on 12 December 2018. This Policy takes effect on 31 January 2019.

9.2 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; each case will be considered entirely on its own individual merits and in accordance with the requirements of the Act

10. Responsible Authorities

10.1 A full list of the Responsible Authorities designated under the Act and their contact details are given on the Council's website and attached at Annex B. 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 Council has designated 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,
- represents persons who satisfy paragraphs (a) or (b)'.

11.2 Interested parties can be persons who are democratically elected, such as Borough, Town and Parish Councillors and MPs. They can also be trade associations, trade unions, residents' associations and tenants' associations. Providing these people represent those living or having business interests in the area which might be affected, no specific evidence of authorization is required.

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 above, the Licensing Authority will generally require some form of written confirmation that a person is authorised to represent an interested party.

11.5 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.

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

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

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 and the **General Data Protection Regulation 2016** will not be contravened;
- the Guidance issued by the Gambling Commission;
- relevant Legislation and Regulations

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

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

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

13. Public Register

13.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations 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 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Council will follow best

practice. This requires that actions should be

Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.

Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.

Consistent – Rules and standards must be joined up and implemented fairly.

Transparent – Enforcement should be open and regulations kept simple and user friendly.

Targeted – Enforcement should be focused on the problems and minimise side effects.

- 14.2 The Council will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Regulatory Services Enforcement policy.
- 14.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act, is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Council but will be notified to the Gambling Commission.
- 14.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.
- 14.5 Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Colchester Borough's Enforcement Policy. A copy of this document is available on the Council website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 14.6 As part of its ongoing inspection regime, The Council may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, The Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.**
- 14.7 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

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

15. Delegation of Powers

- 15.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act.

16. Definitions

- 16.1 See Annex C.

17. Fees

- 17.1 Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of current fees can be obtained by contacting licensing.team@colchester.gov.uk or alternatively by viewing the Council's Website www.colchester.gov.uk

18. Useful Contacts

- 18.1 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.

PART B – PREMISES LICENCES

1. General Principles

- 1.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 1.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
 - casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category B3, B4, C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 1.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objective concerns can be overcome.
- 1.4 The Licensing Authority is required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks it:-
 - a) in accordance with any relevant Code of Practice under Section 24 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c) reasonably consistent with the Licensing objectives (Subject to paragraphs a) and b))and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

2. Definition of Premises

- 2.1 In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

- 2.2 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).

3. Demand

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

4. Location

- 4.1 Location will only be a material consideration in the context of the licensing objectives.
- 4.2 **The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.**
- 4.3 **In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.**
- 4.4 **The LCCP also states that licensees must review (and update as necessary) their local risk assessments:**
- a) to take account of significant changes in local circumstance, including those identified in this policy;**
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;**
 - c) when applying for a variation of a premises licence; and**
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.**
- 4.5 **The Licensing Authority expects the local risk assessment to consider as a minimum:**
- whether the premises is in an area of deprivation**

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

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

4.7 Other matters that the assessment may include:

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

4.8 The Licensing Authority expects all licensed premises' to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.

4.9 Such information may be used to inform the decision the Council makes about whether to grant a licence, to grant a licence with special conditions or to refuse an application.

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

5. Local Area Profile

- 5.1 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a local area profile (LAP). The LAP is published as a separate document to this policy and does not form part of it. The LAP may be reviewed by the Licensing Authority at any time. Such a review would not constitute a review of this Policy.
- 5.2 The LAP should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the LAP and assessment, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent Licensing Sub-Committee when they determine an application that has received representations. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.
- 5.3 The Licensing Authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However, an applicant who decides to disregard the LAP should be alert to the risk that they may face additional representations and the expense of a hearing as a result. A template of a suggested local risk assessment form for is included at Annex E. Applicants and licence holders may use this template or create their own.

6. Duplication with other Regulatory Regimes

- 6.1 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 granted Planning Permission or Building Control consent.

7. The Licensing Objectives

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

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

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

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

Where an area has known high levels of organised crime, 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.

- **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. However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

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

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

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or substance misuse of alcohol or drugs.

The Licensing Authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted, and will fully scrutinise the control measures outlined in an operator's local area risk assessment in this regard.

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

8. Conditions

- 8.1 The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems

associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing objectives.

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

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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

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

8.3 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

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

9. Plans

9.1 In all applications where a plan is required to be submitted, The Licensing Authority expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):

- The extent of the proposed licensed area
- All entry and exit points (including fire exits)

- **CCTV camera positions**
- **Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's**
- **Any fixed or permanent structures including counters**
- **Privacy screens**
- **All unlicensed areas under the control of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.**

10. Credit

- 10.1 Credit facilities are prohibited in casinos and 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.

11. Betting Machines

- 11.1 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).
- 11.2 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, should take into account:-
- the size of the premises;
 - the number of counter positions available for person to person transactions
 - the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons; and
 - steps that the applicant has taken, or is offering, to positively and proportionately promote the licensing objectives.
- 11.3 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act.

12. Provisional Statements

- 12.1 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.

13. Reviews

- 13.1 Representations and applications for review of a Premises Licence may be made by responsible authorities and interested parties.
- 13.2 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.
- 13.3 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.
- 13.4 There is no appeal against the Authority's determination of the relevance of an application for review.

14. Adult Gaming Centre

- 14.1 An Adult Gaming Centre is defined in Appendix C of this policy. Entry to these premises is age restricted. The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

15. Licensed Family Entertainment Centre

- 15.1 A Licensed Family Entertainment Centre is defined in Annex C 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.
- 15.2 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.

- 15.3 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

16. Casinos

- 16.1 The Licensing Authority has not passed a resolution under Section 166(1) of the Act which would allow it to grant a Casino licence. Any future decision to pass or not pass such a resolution would be made by the Council's Licensing Committee and would need to be endorsed by the full Council, but would only be taken after a full consultation process has been undertaken within its area.
- 16.2 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.
- 16.3 Conditions may be imposed in relation to betting machine in line with Paragraphs 24.1 – 24.3 above.
- 16.4 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.

17. Bingo Premises

- 17.1 A Bingo premises is defined in Annex C 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.
- 17.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 17.3 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.

18. Betting Premises

- 18.1 Betting is defined in Annex 'C'. Entry to these premises is age restricted.
- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 18.3 In relation to betting machines, conditions may be imposed, in accordance with paragraphs 24.1-24.3 above.
- 18.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

18.5 Fixed Odds Betting Terminals (FOBT's)

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

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

19. Tracks

- 19.1 A Track is defined in Annex C of this policy. Entry to these premises is generally age restricted. Please refer to the Gambling Commission Guidance.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 19.3 In relation to Betting Machines, conditions may be imposed, in accordance with paragraphs 24.1 to 24.3 above.
- 19.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act

20. Travelling Fairs

- 21.1 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

- 1.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

2. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 2.1 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.
- 2.2 **The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.**
- 2.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic criminal record check for staff or equivalent criminal records check for the applicant and the person(s) having day to day control of the premises;
 - Proof of age schemes;
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
 - Safeguarding training;
 - Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on, or around, the premises, and
 - Suspected truant children

3. (Alcohol) Licensed Premises Gaming Machine Permits

- 3.1 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, via a notification to the Local Authority.

- 3.2 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.
- 3.3 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
 - relevant codes of practice issued by the Gambling Commission.
- 3.4 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.
- 3.5 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.

4. Prize Gaming Permits

- 4.1 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 check for staff or equivalent criminal records check for the applicant and the person(s) having day to day control of the premises;
 - Proof of age schemes;
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
 - Safeguarding training;
 - Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,

- children causing perceived problems on, or around, the premises, and
- Suspected truant children

4.2 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.

5. Club Gaming and Club Machine Permits

5.1 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.

5.2 Commercial clubs may apply for a club machine permit, subject to restrictions

5.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

- a. in respect of gaming machines:
 - no child or young person may use a category B or C machine on the premises
 - that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.
- b. the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

5.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

PART D - OCCASIONAL AND TEMPORARY PERMISSION

1. Temporary Use Notices (TUN)

- 1.1 A TUN is defined in Annex C.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.

2. Occasional Use Notices (OUN)

- 2.1 Occasional Use Notices are defined in Annex C of this licensing policy.
- 2.2 The Licensing Authority has very little discretion concerning these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 2.3 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

3. Small Society Lotteries

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

ANNEX A

List of Consultees

The draft policy was placed on the Council Website and in accordance with the Act the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Appendix B).
- Holders of Premises Licences and Permits under the Gambling Act 2005
- Gamblers Anonymous,
- The Licensing Committee
- Public Health

ANNEX B

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 Environment Services PO Box 889 Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail address: licensing.team@colchester.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP e-mail address: info@gamblingcommission.gov.uk
Essex Police	The Licensing Department (Alcohol) Essex Police Braintree CM7 3DJ e-mail address: licensing.applications@essex.pnn.police.uk
Essex County Fire & Rescue Service	Community Commander Colchester & Tendring Community Command Block C Park Road Colchester CO3 3UL e-mail address: colchestersdp@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: planning.enforcement@colchester.gov.uk
Environmental Protection	Environmental Control Manager Colchester Borough Council PO Box 889

	Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail: environmentalprotectionteam@colchester.gov.uk
Essex County Council Children's Safeguarding Service	Head of Child Protection Business Support Chelmsford Team 5 Quality Assurance & Safeguarding A202, County Hall Chelmsford CM1 1QH Email: licenceapplications@essex.gov.uk
HM Revenue & Customs	Proper Officer H M Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY e-mail: nrubetting&gaming@hmrc.gsi.gov.uk
Trading Standards	Trading Standards Essex County Council CG32, County Hall Market Road Chelmsford CM1 1QH Email: eshbsnewdukesway@essex.gov.uk

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

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

Telephone: 01689 890400

Any further enquiries or assistance can be obtained from the Licensing Authority on the email address or telephone number given above. These addresses were correct at the time of going to press but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing Policy

ANNEX C

Definitions/Glossary of Terms

In this Policy the definitions contained in Appendix c 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	<p>Conditions to be attached to licences by way of:-</p> <p>Automatic provision</p> <p>Regulations provided by Secretary of State</p> <p>Conditions provided by Gambling Commission</p> <p>Conditions provided by Licensing Authority</p> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>

Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission.</p> <p>There are four types:</p> <p>Small Society Lottery (required to register with Licensing Authorities).</p> <p>Incidental Non Commercial Lotteries.</p> <p>Private Lottery (Private Society, Work or Residents lottery).</p> <p>Customer Lotteries.</p>
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	<p>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).</p>
Personal Licence	<p>Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.</p>
Pool Betting - Tracks	<p>Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.</p>
Premises	<p>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.</p>
Premises Licence	<p>Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.</p>

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 prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<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 The Gambling Commission The Chief Officer of Police (Essex Police) Essex County Fire and Rescue Service Local Planning Authority, ie Colchester District Council Planning Department The authority having functions in relation to the environment or harm to human health, i.e. Colchester District Council Environmental Health Essex Local Safeguarding Children's Board HM Revenue and Customs 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 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.

ANNEX D

Map of Colchester



ANNEX E

Local Area Risk Assessment Example Template

1: Local Area			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
1.1			Systems
			Design
			Physical
1.2			Systems
			Design
			Physical
1.3			Systems
			Design

			Physical

2: Gambling Operation			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
2.1			Systems
			Design
			Physical
2.2			Systems
			Design
			Physical
3.3			Systems

			Design
			Physical

3: Internal and External Premises Design			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
3.1			Systems
			Design
			Physical
3.2			Systems
			Design

			Physical
3.3			Systems
			Design
			Physical

Actions following assessment:			
1: Local Area			
Action	Person/Dept tasked	Date tasked	Date completed
2: Gambling Operation			
Action	Person/Dept tasked	Date tasked	Date completed
3: Internal and External Premises Design			
Action	Person/Dept tasked	Date tasked	Date completed

Signed:		Date:	
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Print Name:	
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Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Risks: Area of consideration that may impact on one or more of the licensing objectives
Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises

Licensing objectives: these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting. For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective. These codes are CD for the Crime and Disorder objective, FO for the Fair and Open objective and CV for the protection of children and the vulnerable.

Control Measures: These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

The fact that there are three subsections in each section of the template should not be taken to suggest that you should limit your assessment to three risks for each section. The above template is an example only. You are at liberty to use your own design.

