

Licensing Committee

Grand Jury Room, Town Hall
27 November 2012 at 6.00pm

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

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the first floor and ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
27 November 2012 at 6:00pm**

Members

Chairman : Councillor Nick Cope.
Deputy Chairman : Councillor Julia Havis.
Councillors Mary Blandon, Margaret Fairley-Crowe,
Dave Harris, Pauline Hazell, Mike Hogg, Brian Jarvis,
Margaret Kimberley, Michael Lilley and Colin Mudie.

Substitute Members :

Agenda - Part A
(open to the public including the media)

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

Pages

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 off or to silent;
- 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 and to give reasons for the urgency.

4. 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.

5. 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 judgment 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.

6. Minutes

1 - 3

To confirm as a correct record the minutes of the meeting held on 8 August and 24 September 2012 (page).

7. Scheme of Delegation to Committee and Officers // Hypnosis 4 - 8

See report by the Head of Environmental and Protective Services.

8. Gambling Policy Review 9 - 91

See report by the Head of Environmental and Protective Services.

9. Taxi and Private Hire Conditions 92 - 94

See report by the Head of Environmental and Protective Services.

10. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) 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

8 AUGUST 2012

Present: - Councillor Nick Cope, Margaret Fairley-Crowe, Dave Harris, Pauline Hazell, Mike Hogg and Margaret Kimberley

8. Minutes

The minutes of the meetings held on 30 May and 6 June 2012 were confirmed as a correct record.

9. Consultation on Taxi Reform

The Committee considered a report by the Head of Environmental and Protective Services on the proposed response to the Government's consultation document on 'Reforming the Law on Taxi and Private Hire Services'. The existing laws governing the licensing of hackney carriage and private hire vehicles was outdated and fragmented with the main legislation on hackney carriages dating back to 1847. The Government was proposing to overhaul the licensing provisions and had issued a consultation document seeking responses on a number of provisional proposals and questions. The consultation document had been circulated to Committee members and the Council's suggested response was appended to the report.

The Council's responses had been formulated having regard to the importance of maintaining the safety of the travelling public within a licensing regime. The hackney carriage and private hire trade representatives had been made aware of the consultation document and advised to submit their own response as their views were likely to vary from those of the Council.

The Committee gave close consideration to the proposed response and asked that the response on question 45 be strengthened and an example be added to question 51 to underline the importance of the test of 'fit and proper' in relation to the licensing of drivers.

RESOLVED that the response to the consultation document as set out in Appendix B to the report, as amended, be approved for submission to the Law Commission as the Council's official response.

10. Update on changes to the Licensing Act 2012

The Licensing and Enforcement Manger gave an oral report updating the Committee on recent changes to the Licensing Act 2003 and other legislation which had an impact on the licensing of premises in the Borough and on the Council's licensing policy. The changes highlighted were the Live Music Act, the Late Night Levy, Early Morning

Restriction Orders, Temporary Event Notices, the suspension of premises licences for the non payment of fees, and the Council's position as a responsible authority. The changes would necessitate a change in the Council's licensing policy and a group of licensing officers from across Essex were meeting to draw up an Essex wide policy which would be brought before the Committee in due course

RESOLVED that-

(i) the oral report be noted.

(ii) the approach to create a new licensing policy using the Essex wide model be approved.

LICENSING COMMITTEE

24 SEPTEMBER 2012

Present: - Mike Hogg, Margaret Kimberley and Colin Mudie

11. Licensing of Marriages// Firstsite

Mr Hamilton attended and addressed the Committee to express his concern at the proposal to licence the Firstsite building for civil marriages. Mr Hamilton explained that in his view to permit marriages at Firstsite was against the terms of its lease which he believed limited activities at the premises to those connected with the arts. Mr Hamilton expressed his intention to continue to protest in the event that the licence was granted and requested that his concerns be made known to Essex County Council who was responsible for the licensing of the building for civil marriages.

The Chairman thanked Mr Hamilton for his comments and confirmed that the licensing of premises for civil marriages was not a matter that fell within the remit of the Committee or the Council but that his concerns would be passed to the appropriate body and he would be notified of the action taken.

The Committee resolved under Section 100A of the Local Government Act 1972 to exclude the public from the meeting for the following items as it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972.

12. Hackney Carriage/Private Hire Appeal

The Committee considered a report by the Head of Environmental and Protective Services concerning a Hackney Carriage/Private Hire driver's appeal against the suspension of his hackney carriage/private hire driver's licence. The Licensing and Enforcement Manager and the appellant attended, presented their cases and then withdrew for the Committee to consider the matter and make its determination.

RESOLVED that having carefully considered the evidence presented, the Committee determined to uphold the appeal and reinstate the Hackney Carriage/Private Hire Driver's Licence.



Licensing Committee

Item
7

27 November 2012

Report of	Head of Environmental & Protective Services	Author	Gary O'Shea ☎ 282213
Title	Scheme of Delegation to the Committee and to Officers//Hypnosis		
Wards affected	Not applicable		

This report concerns a change to the scheme of delegation from the Licensing Committee to the Head of Environmental and Protective Services

1. Decision Required

- 1.1 To approve the amendment to the Scheme of Delegation to Officers from the Licensing Committee to the Head of Environmental and Protective Services as set out in Paragraph 5.2 of this report.

2. Reasons for Decision

- 2.1 The approval of the scheme of delegation is required to bring into effect the obligations placed upon the Council under the Hypnotism Act 1952.

3. Alternative Options

- 3.1 There are no alternative options available that will enable the Council to adequately and fully discharge its licensing function in relation to this legislation.

4. Supporting Information

- 4.1 The Hypnotism Act 1952 empowered Licensing Authorities, for public entertainments under the Local Government (Miscellaneous Provisions) Act 1982, to attach conditions to a public entertainment licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted. Following the introduction of the Licensing Act 2003 it was no longer possible for the Licensing Authority to impose blanket conditions to regulate the performance of hypnotism.
- 4.2 The Home Office has issued guidance on the regulation of exhibitions, demonstrations or performances of Hypnotism in premises licensed under the Licensing Act 2003. This states that no exhibition, demonstration or performance of hypnotism shall be given on any person at the licensed premises or under the provisions of a temporary event notice except the written consent of the licensing authority and in accordance with any conditions attached to the consent.
- 4.3 An application for consent must be submitted in writing and signed by the holder of the premises licence, club premises certificate or the person serving the TEN and must be made at least 28 days before the event. A copy must also be sent to the police and fire authority. If no objections are received that licence will be granted but if objections are

received the matter will be referred to the Licensing Committee for determination. In the event that consent is granted a number of conditions will be applied to the licence and these are set out in Appendix 1. The Council aims to determine such applications within 14 days of the application being made. The Standard Conditions are attached as appendix 1.

- 4.4 As part of the application process, applicants will be asked to provide details of membership of any professional bodies such as F.E.S.H (The Federation of Ethical Stage Hypnotists), details of the last three performances that they have given and details of any previous convictions or breaches of conditions in relation to any performance. Information given in relation to previous performances will be checked to ascertain whether the conduct of the performance was acceptable.
- 4.5 In addition to any information given above, the Police will be asked to confirm that they have no objection to the performance being granted permission.

5. The Constitution and Scheme of Delegation

- 5.1 The power to licence the performance of hypnotism under the Hypnotism Act 1952 is a non executive function which is delegated from the Council to the Licensing Committee. It is open to the Licensing Committee to arrange for the discharge of its functions either by it, or by an officer subject to certain restrictions.
- 5.2 The Scheme of Delegation to Officers by the Licensing Committee currently includes the determination of applications and the issuing of licences, permits, registrations and certificates where no objections have been received in respect of a number of licensing processes see Appendix 2. It is suggested that to facilitate the effective and efficient operation of the licensing process for hypnotism, the scheme of delegation from the Licensing Committee to the Head of Environmental and Protective Services be amended to include the granting of authorisation for the exhibition, demonstration or performance of hypnotism where no objections are received. In the event that objections are received the matter would be brought before the Committee for determination. The Scheme of delegation is attached as appendix 2.

6. Standard References

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

7. Equality, Diversity and Human Rights Implications

- 7.1 No application may be considered for any premises where there is no licence or Temporary Event Notice in place under provision of the Licensing Act 2003 that permits regulated entertainment. The changes brought about by the Licensing Act 2003 underwent a full equality impact assessment by the government during the consultation stages.
- 7.2 There is a requirement that all applications received should be considered on their individual merits. This process will allow any inadvertent or unintended consequence in relation to equality, diversity or human rights to be considered.
- 7.3 Equally all applications undergo a standardised process and will only be refused where there are specific concerns in relation to previous performances, representations made

by the Police or (in the absence of previous performance history) an inability to show competency of performance.

- 7.4 Any group or individual that may be affected by the grant or otherwise of a licence will have opportunity to state their case and to have that considered as part of the overall process.

8. Community Safety Implications

- 8.1 The processes that are in place to govern the application procedures are designed to ensure that information is obtained that will satisfy the licensing authority that the event is to be conducted by a competent performer and that the performer has no previous history that may impact on the wellbeing of the audience or public at large.
- 8.2 Additionally the conditions attached to the grant of every licence are designed to ensure that there are no community safety implications.

9. Conclusion

- 9.1 Members are asked to consider the content of this report and to amend the scheme of delegation in line with paragraph 1.1.

Conditions

1. The exhibition shall be so conducted as not to be likely to cause harm to any person attending it.
2. No person shall be caused, while under the influence of hypnotism, to say or do anything offensive to the public. If the licensing authority notifies the licence holder in writing that it objects to anything said or done in the course of the exhibition, such thing shall not thereafter be included in the exhibition.
3. No exhibition, demonstration or performance shall include –
 - a. any experiment involving the age regression of the subject;
 - b. the giving of hypnotherapy or any other forms of treatment;
 - c. any experiment in which the subject is suspended between two supports (so called ‘catalepsy’);
 - d. the giving of suggestions to the subject that he/she should perform any act or behave in any manner that is likely to be interpreted as indecent, offensive or harmful, nor that he/she should consume any substance that is either noxious or harmful.
4. all hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
5. The exhibition shall conform to the description submitted to the licensing authority unless the authority has required or expressly authorised a modification.
6. Any modifications in the exhibition subsequently required by the licensing authority shall be made immediately upon notice thereof being given by the authority to the licence holder.
7. No inducements shall be offered to members of the public to subject themselves to the influence of the hypnotist.
8. No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the licence holder either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling. If the licensing authority notifies the licence holder in writing that it objects to a poster, advertisement or programme so displayed, sold or supplied, that poster, advertisement or programme shall not thereafter be displayed, sold or supplied.
9. Every poster, advertisement or programme, relating to the exhibition, displayed, sold or supplied at the premises shall draw attention, in clear and legible manner, to the prohibition on the hypnotising of persons under the age of 18 as imposed by Section 3 of the Hypnotism Act 1952.

SCHEME OF DELEGATION TO OFFICERS BY THE LICENSING COMMITTEE

Delegated to the Head of Environmental and Protective Services

1. Determination of applications and issue of licences, permits, registrations and certificates where no objections have been received in respect of:-
 - Amusement with Prize Machines
 - Animal Boarding Establishments
 - Betting, Gaming and Lotteries
 - Caravan Sites
 - Cinemas and Theatres
 - Dangerous Wild Animals
 - Deratting and Deratting Exemptions
 - Dog Breeding Establishments
 - Food Exports
 - Food Hawkers
 - Food Premises
 - Game Dealers
 - Hackney Carriage and Private Hire Vehicles drivers and operators
 - House to House and Street Collections
 - Knackers Yards
 - Late Night Refreshments
 - Minibuses
 - Moneylenders
 - Motor Cycle Scramble Track Practices and Events over Public Footpaths
 - Pawnbrokers
 - Pet Shops
 - Pleasure Boats and Boatmen
 - Premises and persons involved in acupuncture, tattooing, ear piercing and electrolysis
 - Public Entertainments (including registered door staff)
 - Rag and Bone Dealers
 - Riding Establishments
 - Scrap Metal Dealers
 - Sex Shops
 - Sports Entertainment
 - Stage Plays
 - Zoos

2. Revocation or suspension of licences, permits, registrations, certificates.

3. Approval of individual identification signs for display on taxis and private hire vehicles, after consultation with the Chairman of the Licensing Committee.

4. To determine applications for permission to place advertisements on hackney carriages and private hire vehicles.

5. Determination of motor salvage operators' licences.



Licensing Committee

Item

8

27 November 2012

Report of	Head of Environmental & Protective Services	Author	Gary O'Shea ☎ 506956
Title	Statement of Gambling Policy // Review		
Wards affected	All		

This report concerns the republishing of the Council's Statement of Gambling Policy

1. Decision(s) Required

- 1.1 The Licensing Committee is asked to consider and agree the minor changes to the Gambling Policy and to agree to its re-advertisement by 31 January 2013.

2. Reasons for Decision

- 2.1 The Licensing Authority is required by the Gambling Act 2003 to republish its Statement of Gambling Policy every three years and the next publication is due by 31 January 2013.

3. Alternative Options

- 3.1 There is no legal alternative other than to comply with this requirement.

4. Supporting Information

- 4.1 A re-publishing of the Statement of Gambling Policy is due by January 2013 and this is a legal requirement by which the Council must abide. It is the intention to fully review the Policy in the near future however, it is understood that certain areas covered by the policy are being considered for review and therefore it is felt prudent to await the outcome of these considerations before undertaking a through review of the Policy. The Committee is therefore asked to approve the policy as it stands with only minor revisions to the accuracy of the statistics at the beginning of the report and to agree its re-publishing on this basis. A full review of the Policy and full consultation on any proposed changes will be carried out towards the middle of 2013.

5. Proposals

- 5.1 It is proposed to the Licensing Committee that it should approve the Statement of Gambling Policy presented to it in Appendix 1(members only) of this report for re-publication.

6. Strategic Plan References

- 6.1 The Council's vision for Colchester is as a vibrant Borough with a bright future and it is committed to leading its communities and delivering high quality accessible services. The Statement of Gambling Policy seeks to positively support that strategic vision and in particular improving opportunities for local business to thrive; working in partnerships to

help tackle health and crime issue; regenerating our Borough through employment and leisure; and tackling anti-social behaviour and using enforcement to support priorities.

- 6.2 The Council's Statement of Gambling Policy recognises the need for commercial enterprises involved in gambling to be able to go about their lawful business without being hindered by unnecessary restrictions. However, at the same time it also recognises the scope for negative effects that gambling can have on both society and individuals, and endeavours to ensure that the approach adopted by the Licensing Authority will be proportionate, reasonable, accountable, consistent, transparent and targeted and in accordance with the principles of Better Regulation.

7. Consultation

- 7.1 A copy of the draft revised Policy will be placed on the Council's web site under the Licensing home pages and will be available for public scrutiny.

8. Publicity Considerations

- 8.1 In order to publicise the Statement of Gambling Policy that will be in place for the next three years, the Licensing Authority will seek to promote the publication of the Policy through the local media in early January 2013 and also to promote it through the Council's own web site and in house publications such as the Courier.

9. Financial Implications

- 9.1 There are no known financial implications other than as yet unknown costs of any publicity or printing costs concerning the publication of the Policy.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft revised Statement of Gambling Policy has been prepared in accordance with and taken account of, all relevant legislation and strategy.
- 10.2 An Equality Impact assessment can be found on www.colchester.gov.uk > Council and Democracy > Policies, strategies and performance > Diversity and equality > Equality Impact Assessments > Equality Impact Assessments for Environmental and Protective Services > Gambling Policy.

11. Community Safety Implications

- 11.1 The Gambling Policy is a key component in the Council's strategy to tackle crime and disorder and anti-social behaviour and in drafting the three year revision consideration has been given to the relevant initiatives and the Council's Strategic Plan for 2012 – 2015.

12. Health and Safety Implications

- 12.1 There is no known direct public health and safety issues arising from the adoption of the draft revised Gambling Policy.

13. Risk Management Implications

- 13.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation

to licensed premises and a secure platform from which to promote the licensing objectives as outlined in the Gambling Act 2005.

Background Papers

Appendix 1 - Proposed final draft of the revised Statement of Gambling Policy

COLCHESTER BOROUGH COUNCIL
GAMBLING LICENSING POLICY STATEMENT 2010-
2013

ITEM	PAGE
Contents:	1
 PART A	
1. Introduction	3
2. The Licensing Objectives	3
3. Licensable Activities and Functions of Licensing Authority	3
4. Description of the District	4
5. Responsibilities under the Act	6
6. Statement of Licensing Policy	7
7. Consultation	7
8. Approval of Policy	8
9. Declaration	8
10. Responsible Authorities	9
11. Interested Parties	9
12. Exchange of Information	10
13. Public Register	11
14. Compliance and Enforcement	11
15. Delegation of Powers	11
 PART B	
16. General Principles	12
17. Provisional Statements	15
18. Representations and Reviews	16
19. Adult Gaming Centres	16
20. (Licensed) Family Entertainment Centres	17
21. Casinos	17
22. Bingo Premises	18
23. Betting Premises	19
24. Tracks	19
25. Travelling Fairs	19

PART C

26.	General	21
27.	Unlicensed Family Entertainment Centre Gaming Machine Permits	21
28.	(Alcohol) Licensed Premises Gaming Machine Permits	22
29.	Prize Gaming Permits	24
30.	Prize Gaming without a Permit	25
31.	Club Gaming and Club Machine Permits	26
32.	Temporary Use Notices (TUN)	27
33.	Occasional Use Notices (OUN)	27
34.	Small Society Lotteries	28

APPENDICES

List of Appendices	29	
1.	Definitions/Glossary of Terms	30
2.	Responsible Authorities	34
3.	Scheme of Delegation	37
4.	Representations/Reviews/Hearings/Appeals	39
5.	General Guidance on activities and permissions under the Gambling Act 2005	41
6.	Fees	49
7.	Useful Contacts	50
8.	Gaming Machines	54
9.	Map of the Borough of Colchester	56
10.	Consultees Notified of Policy Review	57
11.	Gaming Permits	68
12.	Multi Lingual Translations	78

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 & FUNCTION 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 The Colchester Borough Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. The Council has a population of 181,000 and covers an area of roughly 200 square kilometres. The main centres of population are in the towns of Colchester, Wivenhoe, West Mersea and Tiptree.

4.2 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.

4.3 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".

4.4 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.

4.5 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.

Key Facts and Figures

- 4.6 The 2011 census data indicates that the resident population of Colchester Borough is 173,100. The age profile shows a continuing increase in the number of people of pensionable age. The largest age group in Colchester are the 20-24 year age group which accounts for 8% of the population. Children under 15 years account for 17.2% of the population.
- 4.7 Colchester has the highest working age population of all Essex local authorities at 67.1%. Approximately 6,000 of Colchester's residents are living in communal establishments. This figure is 3 times higher than other local authorities in Essex and is probably accounted for by the student population at Essex University. The population living in the immediate Town Centre of area of Colchester numbers 9,925 (Castle Ward population).
- 4.8 In 2011/12 Colchester had an overall crime rate of 33.3 crimes per '000 of the population. This compares to 32.4 in the East of England region and 38.4 in England.
- 4.9 A Map of the Borough is attached as Appendix 9.
- 4.10 There are a number of premises in the Borough that provide facilities for gambling and these include 2 Family Entertainment Centres and approximately 108 premises licensed for the sale of alcohol that also hold gaming machine permits. In addition, there are also approximately 151 local voluntary charitable and other organisations that are registered with the authority to hold regular Small Society Lotteries.

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; or
 - Promote a lottery.
 - 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, nor can it take into account expected demand for such facilities. In deciding whether to issue premises licences the Authority 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.

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 2010.

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, medical practices or primary care trusts and the Citizens Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

7.4 The consultation also included meetings and open forums for the public.

7.5 The Licensing Authority's consultation took place between 16 October 2009 and 13 November 2009

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 written request to the:-

Licensing Manager
Environmental & Protective Services
PO Box 889
Rowan House
33 Sheepen Road
Colchester
CO3 3WG

8. APPROVAL OF POLICY

8.1 This Policy was approved by the Licensing Committee at their meeting on the 25 November 2009 and adopted at a meeting of the full Council on 10 December 2009. It was published via its website on 8 January 2010. Copies of the policy are available on request via the contact details shown in paragraph 6.6.

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 having due regard to the Licensing Objectives, Codes of Practice, Guidance and Policy 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 Duplication with other statutory/regulatory regimes will be avoided where possible.

9.3 The Licensing Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent. The granting of any permission pursuant to the Gambling Act does not negate the need to obtain other necessary permissions and/or consents.

9.4 The Authority will not seek to attach conditions to a licence unless they are considered reasonable and necessary for the promotion of the Licensing

Objectives and will not attach conditions that are already adequately covered by other legislation.

- 9.5 In undertaking its licensing functions under the Act, the Licensing Authority is required to have regard to obligations imposed under other legislation including the Human Rights Act 1998 and the Crime and Disorder Act 1998.
- 9.6 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:-

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

- 11.2 The Licensing Authority will consider whether a person is an interested party with regard to a particular premises on a case by case basis and by determining each representation received on its own individual merits. The Authority may have regard to a number of factors when making its decision, for example the Authority may wish to take account of the size of a premises in relation to how it may affect people over a broader geographical area, compared to a smaller premises which offers similar facilities.

- 11.3 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.
- 11.4 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'.
- 11.5 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.
- 11.6 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.
- 11.7 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 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promoted by the Better Regulation Executive and the Hampton review of Regulatory Inspections and Enforcement and will endeavour to be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
 - Accountable – Authorities 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 Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.

14.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It should be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but will be notified to the Gambling Commission for their attention and action as appropriate.

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.

14.5 Recognising the principle of transparency, any enforcement/compliance protocols, or written agreements prepared by the Licensing Authority and its partners will be available on request.

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.

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 to Licensing Authorities by the Gambling Commission and will be determined on a question of fact in each circumstances. 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. Neither will any questions or representations raised with the Licensing Authority regarding the morality of gambling be a matter for the Authority to take into account under any circumstances. The Licensing Authority will only consider those matters that directly relate to the licensing objectives contained within the Gambling Act 2005, or any codes of practice or guidance that accompany the Act.

16.5 Location:

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

16.6 **Duplication with other Regulatory Regimes:**

In undertaking its licensing functions under the Act, the Licensing Authority is bound by other legislation including the Human Rights Act 1998 and the Crime and Disorder Act 1998.

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, nor will the Authority seek to attach conditions to a licence unless they are considered necessary for the promotion of the Licensing Objectives and will not attach conditions that are already adequately covered by other legislation.

16.7 **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. In considering whether applications are 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 will also consider whether it is reasonable and necessary to attach conditions such as the provision of door supervisors.

The Licensing Authority is aware, however, 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. The main distinction is that disorder will generally arise from patrons whereas nuisance issues will relate to the premises themselves.

(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.

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:**

The Licensing Authority acknowledges that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. Therefore any conditions attached to Licences by the Licensing Authority will be reasonable, necessary and proportionate, will promote the licensing objectives 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 and determined entirely on the individual merits of the application that has been made. 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 encouraged 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 and disorder. Any such

consideration by the Licensing Authority will be made on a case by case basis and determined on the individual merits of the application that has been made and will only be deemed reasonable and proportionate where the application makes the provision of door staff necessary. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

16.12 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: (See Appendix 1 for definition)

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching 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 reasonable, necessary and proportionate 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 An application for a provisional statement can be made for premises where the applicant expects the premises to be constructed, altered or expects to acquire a right to occupy. Such applications are entirely separate and distinct from any applications for planning permission or building consent.

17.2 The Licensing Authority acknowledges that a premises licence under the Gambling Act 2005 may lawfully be granted to premises that are not ready to be used for gambling purposes, when the premises are being, or are about to be, constructed or altered and are premises that the applicant has a right to occupy and holds an Operating Licence which authorises them to carry on the activity for which the premises licence is sought. The Licensing Authority will consider attaching a condition preventing the use of the premises until the premises have been completed in accordance with the licence plan.

17.3 Where a provisional statement has been granted, the Licensing Authority may refuse an application for a premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by representations at the provisional licence stage; or
- Which in the Authority's opinion, reflect a change in the operator's circumstances.
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. (This would apply in circumstances where there had been a substantial change to the plan; however the Licensing Authority will make every effort to discuss any concerns that it has with the applicant before making its decision).

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 Head of Environmental & Protective Services 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.
 - Is 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.
 - Is substantially the same as previous representations or requests for a review.
 - Is in accordance with any relevant codes of practice issued by the Gambling Commission.
 - Is in accordance with any relevant guidance issued by the Gambling Commission.
 - Is reasonably consistent with the licensing objectives.
- 18.4 In terms of representations regarding Premises Licences following the grant of a provisional statement, no further representations from relevant authorities or interested parties will be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or unless they reflect a change in the applicant's circumstances.
- 18.5 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 to persons 18 or over.
- 19.2 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 the premises, and that vulnerable persons should not be exploited on the premises.

19.3 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

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

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.

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.

(Casinos are defined in Appendix 1 of this policy).

21.1 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.

21.2 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;
- 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;
- The steps that the applicant has taken, or is offering, to positively and proportionately promote the licensing objectives.

21.3 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.

21.4 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. Children are not allowed to participate in any form of gambling on the premises other than the use of category D machines.

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

22.3 Door Supervisors at bingo premises are exempt from the need to be SIA registered.

22.4 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.

23.2 Children and young persons are not permitted to access betting premises and it is an offence for those persons under 18 years of age to bet.

23.3 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 the premises and that vulnerable persons should not be exploited on the premises.

23.4 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
- Location of entry
- Supervision of entrances and machine areas
- Physical separation of areas
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Self barring schemes
- Opening hours

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, for example an area where category C machines or above are provided.

25. TRAVELLING FAIRS

25.1 Travelling fairs do not require any permit to provide gaming machines, but are required to comply with the legal requirements as to the way the machine operates. They can provide an unlimited number of Category D gaming machines, provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

25.2 The Gambling Act 2005 defines a travelling fair as 'wholly or principally' providing amusements and must be on a site that has been used for fairs for no more than 27 days per calendar year.

25.3 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.

- 25.4 The Licensing Authority will determine whether or not a travelling fair falls within the statutory definition and acknowledges that the 27 day statutory maximum for the land being used for the fair is per calendar year. This applies to the site that the fair is held on, regardless of whether it is the same, or different, travelling fairs that are occupying the site.

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 from the Council's website, www.colchester.gov.uk, the Department for Culture Media and Sport website, www.culture.gov.uk or on request from the Council's Customer Service Centre at Angel Court, High Street, Colchester.

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 an unlicensed Family Entertainment Centre Gaming Machine 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. Any number of category D machines can be provided by a family entertainment centre (FEC) subject to considerations such as Fire and Health and Safety Regulations.

27.2 The Licensing Authority may only grant or reject an application for a permit; it cannot impose or attach any conditions to a grant. Permits that have been granted will remain in force for 10 years unless surrendered, lapsed or renewed.

27.3 Where a permit has been refused, the Licensing Authority will notify the applicant of its reasons for refusal and the applicant will have a right of appeal against any such decision made.

27.4 The Gambling Commission is not involved in this process, as neither an operating licence nor a personal licence is required.

27.5 Unlicensed Family Entertainment Centres are particularly likely to appeal to children and young persons. It is therefore essential that before any grant of gaming machine permit the Licensing Authority satisfies itself as to the suitability of the applicant and the operation being proposed in the following ways:

- The applicant has demonstrated that the premises will be used as an unlicensed Family Entertainment Centre and can show that they have permission to occupy the premises; and
- The applicant has consulted the Chief Officer of Police for this area on their application.

27.6 Statement of Licensing Principles

In addition to the above, the Licensing Authority will also 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 Bureau check for staff or equivalent criminal records check for the applicant & also the person who has the 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, or around, the premises.
- 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.
- Details of opening hours
- Details of the location of entrances and exits
- Details of the number and location of category D machines
- Compliance with BACTA's (British Amusement Catering Trade Association) Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres.

27.7 A table showing the various categories of Gaming Machines and the maximum stakes and prizes permissible is shown in Appendix 5 of this document.

27.8 Detailed information on which types of gambling premises may have a particular category of Gaming Machine is shown on a separate table as Appendix 8 of this licensing policy.

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.

28.2 The Licensing Authority has no discretion on whether to consider this notification or to refuse it. However it can remove the automatic authorisation in respect of any particular premises by making an order under Section 284 of the Gambling Act 2005, which provides for the Licensing Authority to make such an order in the following circumstances:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act 2005, for example if the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of gaming machines;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act 2005 has been committed on the premises.

28.3 Before making such an order, the Licensing Authority must give the premises licence holder (the licensee) a minimum 21 days notice that it intends to make the order and consider representations that the premises licence may make against it. The Licensing Authority will hold a hearing to consider the matter if requested to do so by the licensee. If no appeal is made the order will take effect 21 days after the notice of intention was given.

- 28.4 The Licensing Authority can issue a gaming machine permit for any number of category C or D machines, but such a measure would be as a replacement to the automatic entitlement to two machines not as an addition to it.
- 28.5 Where the 'on' premises licence holder 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 under the Act on the number of machines that may be applied for and applications to vary the number of machines may be made at any time. However it should be noted that the Colchester Borough Council as the Licensing Authority will only grant a maximum of four machines without the need for the application to be considered by the Licensing Committee.
- 28.6 The Licensing Authority has the power to reduce the number of machines granted. It is also able to cancel a permit if for example the premises are used wholly or mainly by children, or an offence under the Act has been committed, or the holder of the permit fails to pay the annual fee. There is a right of appeal against such a cancellation and where an appeal has been made the cancellation does not take effect until the period for determining the appeal has elapsed.
- 28.7 Premises such as Hotels or Restaurants that restricted to only selling alcohol where it is ancillary to a table meal will not be able to apply for a Permit.
- 28.8 Where all new applications 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 from being exploited by gambling.
- 28.9 The Licensing Authority will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds or vulnerable persons 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;
 - Awareness and use of proof of age verification.
 - Appropriate notices and signage specifying age restrictions, for example no under 18's to play this machine;
 - Regarding 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
 - Adequate separation of gaming machines and any cash dispensers or ATM's located on the premises.

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.

- 28.10 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.

- 28.11 The location and operation of machines under the automatic entitlement or the permit must comply with the Gaming Machines Code of Practice published by the Gambling Commission.
- 28.12 It is possible that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre Premises Licence.
- 28.13 An applicant for an alcohol licensed premises gaming permit has a right of appeal to a Magistrates Court against any decision taken by the Licensing Authority not to issue a gaming machine permit or to cancel a permit

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 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
- How the applicant proposes to ensure that children will be protected from harm while on the premises.

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

- 29.2 Applicants should note that there are conditions in the Act that permit holders, Adult Gaming Centres, Family Entertainment Centres, Unlicensed Family Entertainment Centres and Travelling Fairs must comply with. These conditions are as follows:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if a non-monetary prize); and,
- Participation in the gaming must not entitle the player to take part in any other gambling.

- 29.3 The Gambling Act 2005 makes no provision for the grant of permits to premises such as fish and chip shops, takeaways, cafes or Taxi and Private Hire offices.

- 29.4 An application can only be made by a person who occupies or plans to occupy the relevant premises. The applicant must be over 18 years of age. No application can be made for a permit if a premises licence or club gaming permit is in effect for the same premises, neither can a permit be issued in respect of a vessel or vehicle.
- 29.5 The Licensing Authority can specify the form and manner in which the application should be made. For example, it can ask for insurance certificates or plans of the premises to accompany any such application. The Authority must also consult with the Chief Officer of Police for their area about the application before any grant is made for the permit.
- 29.6 An application must also specify the premises and the nature of the gaming for which a permit is sought. Applicants must also be able to demonstrate the following:
- That they understand the limits to stakes and prizes that are set out in Regulations; and
 - That the gaming offered is within the law.
- 29.7 The Licensing Authority can only grant or refuse an application for a permit and cannot add any conditions to it.
- 29.8 A permit runs for ten years unless it ceases to have effect or is renewed. There is no annual fee for a prize gaming permit.
- 29.9 There is a right of appeal to the Magistrates Court against any decision made by the Licensing Authority to refuse to grant a permit.

30. PRIZE GAMING WITHOUT A PERMIT

- 30.1 An Operating Licence permits Casinos to provide all games of chance except Bingo. To offer bingo, the casino would need to obtain a Bingo Operators Licence or apply to the Licensing Authority for a prize gaming permit.
- 30.2 Any type of prize gaming can be provided in Adult Gaming Centres and Licensed Family Entertainment Centres.
- 30.2 Unlicensed Family Entertainment Centres can offer equal chance prize gaming under the authority of their gaming machine permit without the need to hold a prize gaming permit.
- 30.3 Travelling fairs can offer equal chance prize gaming without the need to hold a permit provided that the facilities given over to gambling are an ancillary amusement at the fair.
- 30.4 Section 293 of the Gambling Act 2005 sets out four conditions that Adult Gaming Centres, Family Entertainment Centres, Unlicensed Family Entertainment Centres and Travelling Fairs must comply with in order to lawfully offer prize gaming. These conditions are as follows:
- The limits on participation fees, as set out in regulations, must be complied with;
 - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played

and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if a non-monetary prize); and,
- Participation in the gaming must not entitle the player to take part in any other gambling.

31. CLUB GAMING AND CLUB MACHINE PERMITS

- 31.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines, and to equal chance gaming and games of chance.
- 31.2 Club gaming permits allow the premises to provide 3 gaming machines of categories B, C or D, equal chance gaming and games of chance as set out by regulation. Statutory conditions prohibit the use of category B or C machines by children.
- 31.3 Commercial clubs may only apply for a Club Machine Permit, which allows the premises to provide 3 gaming machines in total for machine categories B, C or D. Statutory conditions prohibit the use of category B or C machines by children.
- 31.4 A Members Club must satisfy the following criteria;
- Have at least 25 members;
 - Must be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations;
 - Must be permanent in nature
 - Members' clubs must not be conducted as a commercial enterprise;
 - Members' clubs must be controlled by the members equally and conducted for the benefit of its members.
- 31.5 The Licensing Authority can only grant or refuse a permit and cannot attach any conditions to it. There is a right of appeal against any decision taken by the Licensing Authority to refuse an application for a permit.
- 31.6 An application may only be refused by the Licensing Authority on the following grounds:
- The applicant does not fulfil the requirements for a members' club or miners' welfare institute or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
 - The applicant's premises are used wholly or mainly by children and/or young persons;
 - An offence under the Act or a 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 ten years; or
 - An objection has been lodged by the Gambling Commission or the Police.
- 31.7 A fast-track procedure is available for premises that hold a Club Premises Certificate under Section 72 of the Licensing Act 2003. There are no opportunities for either the Gambling Commission or the Police to object to an application made under this procedure.

31.8 The Licensing Authority can refuse an application for a permit under this procedure on the following grounds:

- That the club is established primarily for gaming, other than gaming prescribed under section 266 of the Gambling Act 2005;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

32. TEMPORARY USE NOTICES (TUNs)

32.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 5 of this licensing policy.

32.2 The definition of a TUN is shown in Appendix 1 of this licensing policy.

32.3 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.

32.4 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.

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

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

33. OCCASIONAL USE NOTICES

33.1 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.

33.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

33.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

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

33.5 The person 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.

34. SMALL SOCIETY LOTTERIES

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

34.2 The Gambling Act 2005 states that a lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery. The exemptions are as follows:

- Incidental non commercial lotteries: those that are run as an additional amusement at non-commercial events with tickets sold only during the event such as a raffle at a dance or church fair;
- Private lotteries: those that require membership of a society, place of work or single residential unit (e.g. a raffle at a student hall of residence);
- Customer lotteries: run by occupiers of a business for the benefit of the customers who buy tickets sold on the premises (e.g. a supermarket holding a hamper raffle); and
- Small society lotteries.

34.3 Local Authorities are responsible for the registration of small society lotteries in their area. These are non-commercial societies as defined in Section 19 (of the Gambling Act 2005), which states that a society is non-commercial if it is established and conducted for the following reasons:

- For charitable purposes
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity: or
- For any other non-commercial purpose other than private gain.

List of Appendices

Appendix 1	Definitions/Glossary of Terms
Appendix 2	Responsible Authorities
Appendix 3	Scheme of Delegation
Appendix 4	How to make a Representation
Appendix 5	How to apply for a Premises Licence/Temporary Use Notice
Appendix 6	Fees
Appendix 7	Useful contacts
Appendix 8	Gaming Machines
Appendix 9	Map of the Borough of Colchester
Appendix 10	List of Consultees Notified of Policy Review
Appendix 11	Gaming Permits
Appendix 12	Multi Lingual Translations

DEFINITIONS/GLOSSARY OF TERMS

TERM OR PHRASE	DEFINITION
The Act	The Gambling Act 2005
Licensing Authority	Colchester Borough Council acting under Section 2 of the Act.
Licensing Objectives	As defined in Paragraph 2 of this Policy.
The Council	Colchester Borough Council
Colchester Borough	The area of Colchester Borough administered by the Council (see map – Appendix 9)
The Commission	The Gambling Commission
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Premises	Any place, including a vehicle, vessel or moveable structure.
Responsible Authorities	<ul style="list-style-type: none"> - Colchester Borough Council acting as the Licensing Authority - Gambling Commission - Essex Police - Essex County Fire and Rescue Service - Local Planning Authority, i.e. Colchester Borough Council Planning Department - The authority having functions in relation to the environment or harm to human health, i.e. Colchester Borough Council Environmental Control - Essex Local Safeguarding Children’s Board - HM Revenue and Customs - Other persons prescribed by the Secretary of State
Interested Party	<p>A person who:-</p> <ul style="list-style-type: none"> - Lives sufficiently close to the premises to be likely to be affected by authorised activities; - Has business interests that might be affected by authorised activities; or - Represents persons in either of these two groups. <p>See Paragraph 11 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.</p>
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Mandatory Conditions	Specified conditions provided by Regulations under Section

	176 of the Act to be automatically attached to Premises Licences. (Conditions may be general in nature; either attached to all licences of a particular kind, or may be specific to individual premises.
Default Conditions	As Mandatory Conditions except that they can be excluded by the Licensing Authority. This may apply to all premises licences, to a class of premises licence, or licences for specified circumstances.

Premises Licences	Licences issued by the Licensing Authority for:- <ul style="list-style-type: none"> - Casino premises - Bingo premises - Betting premises, including tracks - Adult Gaming Centres - Family Entertainment Centres -
Operating Licences	Issued by the Gambling Commission:- <ul style="list-style-type: none"> - Casino Operating Licence - Bingo Operating Licence - General Betting Operating Licence - Pool Betting Operating Licence - Betting Intermediary Operating Licence - Gaming Machine General Operating Licence (for an Adult Gaming Centre Operator or a Family Entertainment Centre) - Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine) - Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software) - Lottery Operating Licence
Personal Licences	Licences issued by the Gambling Commission alongside an Operating Licence to persons holding a specified management office and other key staff carrying out specified operational functions.
Permits	Permits issued by the Licensing Authority for:- <ul style="list-style-type: none"> - Unlicensed Family Entertainment Centres - Prize Gaming - Gaming Machines (on alcohol related premises) - Club Gaming and Club Gaming Machines
Temporary Use Notices	To allow the temporary use of premises by a gambling operator for gambling where there is no Premises Licence in place.
Occasional Use Notices	For use on eight days or less in a calendar year for permitting betting on a track without the need to hold a full premises licence.
Child	An individual who is less than 16 years old.

Young Person	An individual who is not a child but who is less than 18 years old.
Adult	An individual who is not a child or a young person.
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble.
Adult Gaming Centre	Premises limited to entry by adults making Category B, C and D gaming machines available to their customers.
Bingo	No statutory definition provided but the term has its ordinary and natural meaning. A game where a card is covered by numbers called until the card is full with cash or prizes being won, i.e. a game of equal chance.
Casino	Premises with an arrangement whereby people are given an opportunity to participate in one or more casino games, i.e. games of chance which are not equal chance gaming.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Betting Machines	A machine designed or adapted for use to bet on future real events. (Not a gaming machine).

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.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Prize Gaming	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. Prizes are determined by the operator before play commences.
Track	A site (including horse racecourses and dog tracks) where races or other sporting events take place.
Travelling Fair	A fair 'wholly or principally' providing amusements on a site not used for more than 27 days per calendar year.
Lotteries	Either a Licensed Lottery or an Exempt Lottery.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Exempt Lottery	A Small Society Lottery, an Incidental Non-Commercial

	Lottery, a Private Lottery (Private Society, Work or Residents' Lottery), or a Customer Lottery.
Small Society Lottery	A lottery with total value of tickets for one lottery less than £20,000 (or separate lotteries less than £250,000 in a calendar year) requiring registration with the Licensing Authority.
On Course Betting-Tracks	Betting that takes place on a track while races are taking place.
Off Course Betting	Betting that takes place other than at a track, e.g. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in a self contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. (Off course betting such as this normally only operates on race days).
Members Club	A Club that must:: <ul style="list-style-type: none"> - 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 - Be controlled by its members equally.

RESPONSIBLE AUTHORITIES

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

RESPONSIBLE AUTHORITY	CONTACT DETAILS
Licensing Authority	<p>Licensing Manager Colchester Borough Council Environmental and Protective Services Po Box 889 Rowan House 33 Sheepen Road Colchester Essex CO3 3WG</p> <p>Tel: 01206 282520 Fax: 01206 282598 e-mail address: licensing@colchester.gov.uk Website: www.colchester.gov.uk</p>
Gambling Commission	<p>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6500 Fax: 0121 237 2236 e-mail address: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk</p>
Essex Police	<p>Police Licensing Officer Essex Police Colchester Police Station 10 Southway Colchester Essex CO3 3BU</p> <p>Tel: 01206 762212</p> <p>e-mail address: ED-Licensing@essex.pnn.police.uk Website: www.essex.police.uk</p>
Essex County Fire & Rescue Service	<p>Community Commander Colchester & Tendring Community Command Block C Park Road Colchester Essex CO3 3UL</p>

	<p>Tel: 01206 574255</p> <p>e-mail address: ct.command@essex-fire.gov.uk</p> <p>Website: www.essex-fire.gov.uk</p>
Planning Services	<p>Planning Services Manager Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester Essex CO3 3WG</p> <p>Tel: 01206 282424</p> <p>e-mail address: licensing@colchester.gov.uk</p> <p>Website: www.colchester.gov.uk</p>
Environmental Protection	<p>Environmental Control Manager Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester Essex CO3 3WG</p> <p>Tel: 01206 282590</p> <p>e-mail: environmentalcontrolteam@colchester.gov.uk</p> <p>Website: www.colchester.gov.uk</p>
Essex County Council Children's Safeguarding Service	<p>Head of Children Protection Children's Safeguarding Service Licensing Applications 70 Duke Street County Hall Chelmsford CM1 1LP</p> <p>Tel: 01245 436744</p> <p>Email: licenceapplications@essex.gov.uk</p> <p>Website: www.essexcc.gov.uk</p>
HM Revenue & Customs	<p>H M Revenue & Customs National Registration Unit (Betting & Gaming) Portcullis House 21 India Street Glasgow G2 4PZ</p> <p>Tel: 0141 555 3633</p> <p>e-mail: nrubetting&gaming@hmrc.gsi.gov.uk</p>

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 Environmental & Protective 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 gaming/club machine permits		X	
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

REPRESENTATIONS/REVIEWS/HEARINGS/APPEALS

Who can make representations or seek reviews?

Only 'Interested Parties' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence and may seek a review of licences granted.

What are relevant representations?

'Relevant representations' generally fall into 2 categories – those in relation to an application for the grant or variation of a premise's licence and those for an application to review a premise's licence.

Representations will be relevant if they: -

- relate to the promotion of the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice, and
- are made within the prescribed period and have not been withdrawn.

Representations will not be relevant if they relate solely to issues such as demand, planning, traffic congestion, public nuisance or fire. This list is not exhaustive and each case will be judged on its own merits. **However it should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.**

The table below will list those provisions about which representations may be made, the timescales within which and by whom they may be made. Regulations to prescribe these matters will be issued in due course by the Secretary of State under Section 160 of the Gambling Act 2005.

Provision under which hearing is held.	Period of time within which representations must be made.	Persons who may make representations.
Application for premises licence	28	Responsible authorities Interested parties
Application for a provisional statement	28	Responsible authorities Interested parties
		Responsible authorities Interested parties
		Chief of police
Application for review of premises licence	28	Responsible authorities Interested parties

Counter notice to temporary use notice*	14 days of receipt of temporary use notice.	All those that received a copy of the Temporary Use Notice
---	---	--

Counter notice to Occasional Use Notice	Counter notice issued where the use exceeds permitted limits.	Licensing authority
---	---	---------------------

- It should be noted that the Licensing Authority must issue a counter notice where the use of the same premises under a Temporary Use Notice or Occasional Use Notice would exceed the permitted limits, which are 21 days per 12-month period in respect of TUN's and 8 days per calendar year in respect of OUN's.

Reviews

The Licensing Authority must hold a hearing to review a premises licence where an application is made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence unless in the opinion of the Licensing Authority the grounds on which the review is sought: -

- are not relevant to the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice,
- are frivolous, vexatious or will certainly not cause the authority to revoke, suspend, remove, amend or attach conditions to a licence,
- are identical or substantially similar to: -
 - grounds in an earlier application for review made in respect of the same premises and already determined, or
 - representations considered by the Licensing Authority in granting the premises licence or certificate, or
 - representations which would have been considered except they were excluded representations following a provisional statement, and
 - a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

It should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.

Hearings

A hearing must be held as soon as it is reasonably practicable after the expiry of any period for representations prescribed under Sections 161(2), 197(6) or 200(5) of the Act. Where relevant representations have been made and accepted by the Licensing Authority to review a premises licence or where objections have been received to the grant of a Temporary Use Notice (TUN), in the case of Temporary Use Notices, objections must be made to the person who lodged the TUN and a copy served on the Licensing Authority within at least 14 days of the date of the TUN.

Appeals

Any person aggrieved by the decision of the Licensing Sub-Committee can appeal to the Magistrates' Court within 21 days of receiving notice of the Licensing Authority's decision.

GENERAL GUIDANCE ON ACTIVITIES & PERMISSIONS UNDER THE GAMBLING ACT 2005

This guidance covers only those aspects of the Gambling Act 2005 that are the responsibility of the Licensing Authority, for example the grant of premises licences, temporary use notices and occasional use notices. Guidance on the responsibilities of the Gambling Commission can be obtained via the following link: - www.gamblingcommission.gov.uk

PREMISES LICENCES

A premises licence is required for any premises where gambling activity is carried out of a type requiring personal and operator's licences to have been issued by the Gambling Commission.

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

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

A licence is restricted to one premise only. However one building may have separate licences issued in respect of different parts of the building where each part can be said to be a separate premises.

Licensing authorities must aim to grant an application for a premises licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance, the licensing objectives and the Licensing Authority's Statement of Licensing Principles. The licence will be subject of mandatory and default conditions applied by regulations issued under the Act.

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

Bingo, Betting, Arcades (Adult gaming centres & licensed family entertainment centres)

An Operating licence is required from the Gambling Commission for these activities and also a premises licence will be required to be applied for with the Licensing Authority.

Tracks

An operating licence is not required from the Gambling Commission to operate a track but a premises licence from the Licensing Authority is required. A number of premises licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general betting operator's licence or a pool betting operating licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse-tracks) and by the premise's licence-holder (in relation to dog-tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the premises licence-holder provided they hold an operating (for siting and other special considerations in respect of gaming machines at tracks, see the Gambling Commission’s guidance at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see ‘Betting machines’).

Betting machines

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

Gaming machine supply & repair

These activities require operating 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.

Gaming machines in licensed premises

Premises licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted. (Also see ‘Tracks’).

The Gambling Act introduced new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a premise’s licence are shown in figure 2 below.

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	2	4000
B2	100	500
B3 & B3A	1	500
B4	1	250
C	50p	70
D (Non money prize - other than a crane grab machine)	30p	8
D (Non money prize – crane grab machine)	1	50

D (Money Prize)	10p	5
D (Combined money & 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 & 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
	Maximum of 1250 machines						
Large casino (machine/ table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A Machines), within the total limit of 150 (subject to table ratio)					
Small casino (machine/ table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to table ratio)					
Pre-2005 Act casinos (no machine/ table ratio)		Maximum of 20 machines categories B to D (except B3A Machines) or any number of C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises					Maximum of 8 category B3 or B4 machines	No limit on category C or D machines	
Adult gaming centre					Maximum of 4 category B3 or B4 machines	No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines

TEMPORARY USE NOTICES (TUN'S)

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

issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise 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 Authorities will consider, amongst other things, the ownership / occupation and control of the premises.

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

Giving Notice of a TUN

A Temporary Use Notice must be served on the Licensing Authority not less than 3 months and 1 day prior to the day on which the gambling event is to take place. **A copy of the TUN must also be given within 7 days of the date it was served on the Licensing Authority to: -**

- the 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,
- the nature of the event
- and/or any other information that may be prescribed by regulations.

The notice will be acknowledged by the Licensing Authority as soon as it is reasonably practical to do so.

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

Objections

Having regard to the licensing objectives, those authorities upon whom the TUN is served may make objections within 14 days of the date of the notice to the gambling activity taking place. 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 Licensing Sub-Committee to hear representations from all parties, unless agreement is reached that a hearing is unnecessary, e.g. by modification of the notice, within 6 weeks of the date of the notice.

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

OCCASIONAL USE NOTICES (OUN'S)

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

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

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting without the need for a betting premises licence to be in place. An OUN therefore dispenses with the need for a betting premises licence for the track.

Betting operators cannot provide gaming machines at tracks under the cover of an OUN.

Issue

The notice must be served on the Licensing Authority 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 copied to the Chief Officer of Police for the area in which the track is located.

Objections

Generally objections may not be made to the issue of an OUN. However 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.

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 **all** lotteries, see the Gambling Commission's website on www.gamblingcommission.gov.uk.

The Gambling Act 2005 defines four categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery: run as an additional amusement at non-commercial events such as a raffle at a church bazaar, with tickets only being sold and drawn during the event.
- Private lottery: that requires membership of a society, place of work or single place of residence.
- Customer lottery: run by occupiers of a business for the benefit of customers who can only buy tickets sold on the premises, e.g. a shop selling tickets for a Christmas hamper.

- Small society lottery: a lottery promoted on behalf of a non-commercial society, i.e. a lottery run by a society established and conducted for charitable purposes; or of enabling the participation in or support of sport, athletics or cultural activity; or for other non-commercial purposes other than private gain.

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

Applications for registration of a small society lottery 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: -

- they consider 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.

Registrations

In accordance with the Gambling Act, an application for registration must be made to the Licensing Authority accompanied by the prescribed fee. The registration will be valid indefinitely; however an annual fee must also be paid.

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 the member's letter of appointment, and include the following details: -
- the dates when tickets were available for sale,
- the dates of any draw and value of prizes, including any rollover,
- the proceeds raised,
- the amounts deducted for prizes and expenses incurred in organising the lottery,
- the amount applied or to be applied to the purposes of the promoting society, and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source/s from which they were paid.

External lottery managers

External lottery managers require operating licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk.

PREMISES LICENCES

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



1. Attach required documentation
2. Pay prescribed fee



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

FEES



Colchester Borough Council

Gambling Act 2005

For the current schedule of fees please see the Council's website

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	<p>Association of British Bookmakers Ltd Norris House 4 Norris Street London SW1Y 4RJ</p> <p>Tel: 020 7434 2111</p> <p>Website: www.abb.uk.com email address: mail@abb.uk.com</p>
British Amusement Catering Trade Association (BACTA)	<p>Alders House 133 Aldersgate Street London EC1A 4JA</p> <p>Tel: 020 7726 9826</p> <p>Website: www.bacta.org.uk email address: info@bacta.org.uk</p>
National Casino Industry Forum (NCIF)	<p>38 Grosvenor Gardens London SW1W 0EB</p> <p>Tel: 020 7730 1055</p> <p>Website: www.britishcasinoassociation.org.uk email address: director@nci-forum.co.uk</p>
Remote Gambling Association	<p>6th Floor, 52-54 High Holborn, High Holborn House, London WC1V 6RL</p> <p>Tel: 020 7831 2195</p> <p>Website: www.rga.eu.com</p>
Bingo Association	<p>Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF</p>

	<p>Tel: 01582 860921</p> <p>Website: www.bingo-association.co.uk email address: info@bingo-association.co.uk</p>
British Horseracing Board	<p>75 High Holborn London WC1V 6LS</p> <p>Tel: 020 7152 0000</p> <p>Website: www.britishhorseracing.com email address: info@britishhorseracing.com</p>
British Greyhound Racing Board	<p>Procter House 1 Procter Street London WC1V 6DW</p> <p>Tel: 020 7421 3770</p> <p>Website: www.thedogs.co.uk</p>
Casino Operators Association	<p>25 City Road, London EC1Y 1AR</p> <p>Website: www.casino-coa.co.uk email: coa.generalsecretary@tiscali.co.uk</p>
Business in Sport & Leisure	<p>Tel: 020 8255 3782</p> <p>Website: www.bisl.org email address: info@bisl.org</p>

Gambling Support Organisations

GAMCARE	<p>2nd Floor 7-11 St John's Hill London SW11 1TR</p> <p>Tel: 020 7801 7000</p> <p>Website: www.gamcare.org.uk email address: info@gamcare.org.uk</p>
The GREaT Foundation	<p>10 Brick Street London W1J 7HQ</p> <p>Tel: 020 7518 0023</p> <p>Website: www.thegreatfoundation.org.uk email: info@thegreatfoundation.org.uk</p>
Gamblers Anonymous	<p>Gam Anon National Service Office PO Box 88 London SW10 0EU</p> <p>Tel: 020 7384 3040</p> <p>Website: www.gamblersanonymous.org.uk email address: contact@gamanon.org.uk</p>

Other Links:

Department for Culture, Media & Sport (DCMS)	<p>2-4 Cockspur Street London SW1Y 5DH</p> <p>Tel: 020 7211 6200</p> <p>Website: www.culture.gov.uk email address: enquiries@culture.gov.uk</p>
Casino Advisory Panel	<p>Department for Culture, Media & Sport 2-4 Cockspur Street London SW1Y 5DH</p> <p>Tel: 020 7211 6200</p> <p>Website: www.culture.gov.uk/cap email address: enquiries@culture.gsi.gov.uk</p>

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.

GAMING MACHINES

Table showing the different types of gambling premises and the categories of gaming machines permitted under the Gambling Act 2005.

Premises Type	A	Machine Category					
		B1	B2	B3	B4	C	D
Large Casino (machine/table ratio of 5:1 up to maximum)							Maximum of 150 machines. Any combination of machines in Categories B to D (except B3A machines), within the total limit of 150 (subject to table ratio)
Small Casino (machine/table ratio of 2:1 up to maximum)							Maximum of 80 machines. Any combination of machines in Categories B to D (except B3A machines), within the total limit of 80 (subject to table ratio)
Pre-2005 Act casinos (no machine/ table ratio)							Maximum of 20 machines Categories B to D (except B3A machines), or any number of C to D machines instead.
Betting premises and tracks occupied by Pool Betting							Maximum of 4 machines Categories B2 to D
Bingo Premises							Maximum of 4-8 machines in Category B3 or B4 No limit C or D Category machines
Adult Gaming Centre							Maximum of 4 machines No limit C or D Category machines
Family Entertainment Centre (with Premises Licence)							No limit on Category C or D machines
Family Entertainment Centres (with Permit)							No limit on Category D machines
Club or miners' welfare institutes with Permits							Maximum of 3 machines in categories B3A or B4 to D (but only one category B3A permitted) NB – Commercial Clubs allowed 3 machines in categories B4 to D only.
Qualifying alcohol licensed premises							1 or 2 machines of Category C or D automatic on notification
Qualifying alcohol licensed premises with Gaming Machine Permit							Number of category C or D machines as specified on Permit

Premises Type	Machine Category					
	A	B1	B2	B3	B4	D
Travelling Fair						No limit on Category D machines

- B3A Gaming Machines offer lottery games
- Premises may also offer Skills with Prizes machines (SWP's), i.e. quiz type machines and these are unregulated in number.

MAP OF THE BOROUGH OF COLCHESTER



CONSULTEES NOTIFIED OF POLICY REVIEW

The consultation list is shown on pages 58-67.

name full	org	address11	address22	address33	address44	address55
Abberton & District Cricket Club			Abberton Road	Fingringhoe	Essex	CO5 7AW
Admiral Taverns		Suite H3	Steam Mill Business Centre	Steam Mill Street	Chester	CH3 5AN
Adnams PLC		Tolken	East Green	Southwold	Suffolk	IP18 6JW
Adventures Offshore			The Lane	West Mersea	Colchester	CO5 8NT
After Office Hours			128 High Street	Colchester	Colchester	CO1 1SP
Alderman Blaxill School			Paxman Avenue	Colchester	Colchester	CO2 9DQ
All Saints Shrub End Social Committee			24 Twining Road	Colchester	Colchester	CO3 9XG
Alliance Performing Arts Foundation			29 Egret Crescent	Colchester	Colchester	CO4 3TX
Alzheimer's Society, Colchester & District Branch		Marylands	43 Shrub End Road	Colchester	Colchester	CO3 3UE
Association of British Bookmakers		Norris House	4 Norris Street	London	SW1 4RJ	
BACTA		Alders House	133 Aldersgate Street	London	EC1A 4JA	
Baynards County Primary School			Townsend Road	Tiptree	Colchester	CO5 0ND
Beacon Entertainments Ltd	Beacon Entertainments Ltd		17a Market Place	Loughborough	Leicestershire	LE11 3EA
Belle Vue Social Club & Institute			1 Colne Bank Avenue	Colchester	Colchester	CO1 1UU
Bingo Association		Lexham House	75 High Street North	Dunstable	Beds	LU6 1JF
Birch C Of E School			School Hill	Birch	Colchester	CO2 0LZ
Birch school parents & friends Association		Birch C Of E School	School Hill	Birch	Colchester	CO2 0LZ
Birch School Parents and Friends Association			School Hill	Birch	Colchester	CO2 0LZ
Blake Laphorn,Tarlo,Lyons Solicitors		New Court	1 Barnes Wallis Road	Segensworth	Fareham Hampshire	PO15 5UA
Blaxill Association Alderman Blaxill School			Paxman Avenue	Colchester	Colchester	CO2 9DQ
Bliss/Freedom			5 St Botolphs Circus	Colchester	Colchester	CO2 7EF
Boxted Village Hall		Coneycroft	Cage Lane	Boxted	Colchester	CO4 5RE
Breast Cancer Campaign		Clifton Centre	110 Clifton Street	London	Colchester	EC2A 4HT
Bricklayers Arms			27 Bergholt Road	Colchester	Colchester	CO4 5AA
Brinkley Grove Primary School			Rawlings Crescent	Colchester	Colchester	CO4 9GF
Britannia Public House			Meyrick Crescent	Colchester	Colchester	CO2 7QY
British Greyhound Racing Board		Proctor House	1 Proctor Street	London	WGL1V 6DW	
British Horseracing Board			75 High Holborn	London	WGL1V 6LS	
Broomgrove Schools Association			Broome Grove	Wivenhoe	Colchester	CO7 9QB
C Rayner			10 Sebastian Close	Colchester	Essex	CO4 3SH
c/o Colchester Carers Centre		The Oaks Care Home	15-25 Oaks Drive	Colchester	Colchester	CO3 3PR
C/O Harvard & Henderson			Kevedon Road	Tiptree	Colchester	CO5 0LJ
Cambridge Arms			94 Military Road	Colchester	Colchester	CO1 2AN
Camd			21 Osborne Street	Colchester	Colchester	CO2 7DA
Carls Of Colchester		Canis Of Colchester	Nayland Road	Colchester	Colchester	CO4 5EB
Carslake Electrical Services		1 Brook House	Brook Street	Wivenhoe	Colchester	CO7 9DP
Casino Operators Association			25 City Road	London	EC1 1AR	
Caterpillars Pre-School		St Andrews Church Hall	Church Lane	Marks Tey	Essex	CO6 1LW
Chappel C Of E Primary School		White Gates	The Street	Chappel	Colchester	CO6 2DD
Chappel Millennium Green Trust			Colchester Road	Chappel	Colchester	CO6 2DQ
Chequers Inn			The Street	Great Tey	Colchester	CO6 1JS
Cherry Tree Inn			Blackheath	Colchester	Colchester	CO2 0AD
Chilvers Automatics Ltd		Langholme	Lodge Lane	Langham	Colchester	CO4 5LD
Claremont Automatics Limited			Filich Industrial Estate	Dunmow	Essex	CM6 1XJ
Clr Ann Quarme		Ransomes	Wigborough Road	Peldon	Colchester	CO5 7RA
Clr Anne Turrell			15 Paget Road	Wivenhoe	Colchester	CO7 9JL
Clr Barme Cook			160 Mile End Road	Colchester	Colchester	CO4 5DY
Clr Beverley Oxford			54 Booth Avenue	Colchester	Colchester	CO4 3AZ
Clr Beverly Davies			83 Princess Drive	Highwoods	Colchester	CO4 9YT
Clr Chris Hall			20 Meadow View Close	Stanway	Colchester	CO3 0YL
Clr Christopher Arnold		High Gables	1 Ireton Road	Colchester	Colchester	CO3 3AT
Clr Christopher Garnett		Tallats	9 Manor Close	Great Horkeasley	Colchester	CO6 4AR
Clr Dave Harris			Moor Road	Langham	Colchester	CO4 5NP
Clr Dennis Willets		The Retreat	12 Pirnce Phillip Road	Colchester	Colchester, Essex	CO2 8PA
Clr Elizabeth Biundell			Wood Lane	Fordham Heath	Colchester	CO3 9TR
Clr Gaye Pymon			88 School Road	Copford	Colchester	CO6 1BX
Clr Gerard Oxford			26 King Coal Road	Colchester	Essex	CO3 9AQ
Clr Helen Chuah			83 Princess Drive	Highwoods	Colchester	CO4 9YT
Clr Henry Spivee			60 St. Johns Road	Colchester	Colchester	CO4 0JW
Clr Jackie Maclean			16 Wakerfield Close	Colchester	Colchester	CO1 2SD
Clr Jill Tod			263 London Road	Stanway	Colchester	CO3 8LT
Clr John Bouckley		Seven Arches Farm	Chitts Hill	Colchester	Colchester	CO3 9SX
Clr John Elliott		Sussex	6 Blackwater Drive	West Mersea	Colchester	CO5 8NU
Clr John Jowers			Grange Road	Tiptree	Colchester	CO5 0UH
Clr Jon Manning			11 Victory Road	West Mersea	Colchester	CO5 8LY
Clr Julie Young			46 Broomfield Crescent	Wivenhoe	Colchester	CO7 9PZ
Clr Justin Knight			34 Mascot Square	Elmstead Road	Colchester	CO4 3GA
			364 Old Heath Road	Colchester	Colchester	CO2 8DD

Cllr Kevin Bentley				32 Willoughby Avenue	West Mersea	Colchester	CO5 8AU
Cllr Kim Naish				30 Wilson Marriage Road	Colchester	Colchester	CO4 0DF
Cllr Laura Sykes				24 Wheatfield Road	Stanway	Colchester	CO3 0VJ
Cllr Lesley Scott-Boutell			Kimberley House	1 Millers Lane	Stanway	Colchester	CO3 0PS
Cllr Lyn Barton			Park Farm House	108 Shrub End Road	Colchester	Colchester	CO3 4RY
Cllr Margaret Faliley-Crowe				Kelvedon Road	Inworth	Colchester	CO5 9SH
Cllr Margaret Fisher				1 Gladwin Road	Colchester	Colchester	CO2 7HW
Cllr Margaret Kimberley				3 Rosebank Road	West Mersea	Colchester	CO5 8NH
Cllr Mark Cory			C/o Members Room	PO Box 884	Town Hall	Colchester	CO1 1FL
Cllr Martin Goss				53 Dickenson Road	Colchester	Colchester	CO4 5BL
Cllr Martin Hunt				53 Irvine Road	Colchester	Colchester	CO3 3TT
Cllr Mary Blandon				29 Canwick Grove	Colchester	Colchester	CO2 8TG
Cllr Michael Lilley			Kelpers	22 Albion Street	Rowhedge	Colchester	CO5 7ER
Cllr Mike Hardy				23 The Avenue	Colchester	Colchester	CO3 3PA
Cllr Mike Hogg				60 St. Johns Road	Colchester	Colchester	CO4 0WV
Cllr Nick Barlow				143 North Station Road	Colchester	Essex	CO1 1UX
Cllr Nick Cope				8 Cambridge Road	Colchester	Colchester	CO3 3NS
Cllr Nick Taylor				24 Howards Croft	Colchester	Colchester	CO4 5FP
Cllr Nigel Chapman			Holly Cottage	Straight Road	Boxted	Colchester	CO4 50N
Cllr Nigel Offen				83 Drury Road	Colchester	Colchester	CO2 7UJ
Cllr Paul Smith				18 Pampas Close	Colchester	Colchester	CO4 9ST
Cllr Pauline Hazell			Oak Farm	17 Lockhart Avenue	Colchester	Essex	CO3 3OU
Cllr Peter Chillingworth				Vernons Road	Wakes Colne	Colchester	CO6 2AH
Cllr Peter Higgins				70 Wimpole Road	Colchester	Colchester	CO1 2DW
Cllr Phillip Oxford				38 Tynedale Court	Colchester	Essex	CO4 9SN
Cllr Ray Gamble			Baskets	6 Sheenwater Mews	Colchester	Colchester	CO4 3FL
Cllr Richard Martin			Brickhouse Farm	Grange Road	Tiptree	Colchester	CO5 0GQ
Cllr Robert Davidson				Lower Road	Peidon	Colchester	CO5 7OR
Cllr Sonia Lewis				19 Acland Avenue	Colchester	Colchester	CO5 7GR
Cllr Stephen Ford				38 Valley Road	Wivenhoe	Colchester	CO3 3RS
Cllr Sue Lissimore				57 King Harold Road	Colchester	Colchester	CO7 9NA
Cllr Terry Sutton			Torena	Mersea Road	Blackheath	Colchester	CO3 4SE
Cllr Theresa Higgins				70 Wimpole Road	Colchester	Colchester	CO2 0BU
Cllr Tim Young				34 Mascot Square	Elmstead Road	Colchester	CO1 2DW
Cllr Tina Dopson				88 Bourne Road	Colchester	Colchester	CO4 3GA
Cllr Wyn Foster				33 Sussex Road	Colchester	Colchester	CO2 7LP
Coastline Entertainment Centre, Coopers Beach			Coopers Beach Caravan Park	Church Lane	East Mersea	Colchester	CO3 3QH
Colchester & District Cat Rescue & Rehoming Society			Chelsworth	Lyndhurst	Bromley Road	Colchester	CO5 8TN
Colchester & District Fur & Fancy Rabbit Club			3 Buxton Cottages	Salmons Corner	Colchester	Ardleigh, Colchester, CO7 7SF	CO6 1EA
Colchester & East Essex Co-Op. Head Office			Victoria Place	Eld Lane	Coggeshall	Colchester	CO6 1RX
Colchester & East Essex Cricket Club			The Lodge	The Pavilion	Lower Castle Park	Colchester	CO1 1LP
Colchester & Harwich & North Essex Conservative Associations			Unit C2 East Gores Farm	Salmors Lane	Great Tey	Colchester, Essex, CO1 1UD	CO1 1UD
Colchester & Tending Community Trust			Colchester Carers Centre	25 Oaks Drive	Colchester	Colchester	CO6 1RZ
Colchester Borough Homes			Wellington House	90-92 Butt Road	Colchester	Essex	CO3 3PR
Colchester Caged Bird Society				9 Beeleigh Close	Colchester	Essex	CO3 3DA
Colchester Carers Centre				25 Oaks Drive	Colchester	Essex	CO2 8LZ
Colchester Childrens Day Care Centre				18 Telling Close	Colchester	Essex	CO3 3PR
Colchester Community Voluntary Services				High Street	Colchester	Essex	CO2 8LS
Colchester Corporation Highway Club				10 Walsingham Road	Colchester	Essex	CO1 1UG
Colchester County High School				Norman Way	Colchester	Essex	CO2 7BN
Colchester County High School PTA				London Way	Colchester	Essex	CO3 3US
Colchester Deaf Club (RAD)			18, Westside	London Way	Colchester	Essex	CO3 3US
Colchester Golf Club Pro - Am				21 Braiswick	Colchester	Essex	CO3 8PH
Colchester Golf Club, SYRO				21 Braiswick	Colchester	Essex	CO4 5AU
Colchester High School Association				Colchester High School	Colchester	Essex	CO4 5AU
Colchester Institute				Sheepen Road	Colchester	Essex	CO4 5AU
Colchester Ladies Auxillar of the L.V.A				6 Yew Tree Close	Colchester	Essex	CO3 3HD
Colchester Leisure World			Colchester Sports Centre	Cowdray Avenue	Colchester	Essex	CO3 3LL
Colchester Lions Club			Colchester Sports Centre	2 Ladell Close	Colchester	Essex	CO4 3LD
Colchester Megabow				Cowdray Avenue	Colchester	Essex	CO1 1YH
Colchester North District Scouts				2 Gorse Way	Colchester	Essex	CO1 1YH
Colchester Royal Grammar School Association				6 Lexden Road	Colchester	Essex	CO3 0GP
Colchester School Of Gymnastic				Brinkley Grove Road	Colchester	Essex	CO3 3ND
Colchester Sea Angling Club				22 Coriander Road	Colchester	Essex	CO4 5DS
Colchester Villa Youth Football Club				1 Woodpecker Close	Colchester	Essex	CO5 0AU
Colne & Colchester Branch Of Embroideries Guild				Hampton Court Palace	Colchester	Essex	CO4 3FF
Community Commander				Park Road	Colchester	Essex	CO4 3FF
Essex County Fire & Rescue Service				Colchester & Tending Community Command, Block C	Colchester	Essex	CO3 3UL
Coopers Beach				Casiways Club	East Mersea	Colchester	CO5 8TN

Copford Cricket Club	Copford Hall	Hall Road	Copford, Colchester	CO6 1DG
Copford Primary School P.T.A	Copford Primary School	School Road	Colchester	CO6 1BX
Copford Village Hall	Copford Village Hall	School Road	Colchester	CO6 1BX
Copt Hall	Copt Hall Lane	Copt Hall Lane	Colchester	CO5 7RF
Coral Racing Limited	Glebe House	19-21 Station Road	Romford	RM3 0BP
Coral Estates		Vicarage Drive	Essex	IG11 7NS
Cubo UK Limited		820 The Crescent	Colchester Business Park	CO4 3SQ
Dance Hall Mondo Level 2	University Of Essex	Wivenhoe Park	Colchester	CO3 3LL
Day Nursery, Colchester Institute	Colchester Institute	Sheepen Road	Colchester	CO7 6BZ
Dedham School Parents Group		Parsons Field	Dedham	CO7 6AD
Dedham Sports Club		Sports Pavilion	Brook Street, Dedham, Colchester	CO4 3TX
Dinners Direct		29 Egret Crescent	Colchester	CO3 3BU
Divisional Police Licensing Officer	Essex Police	10 Southway	Essex	CO5 8RZ
Dynamite Drama Company		13 Woodstock	Colchester	CO6 3BE
EAG Festival Committee		11 Spring Lane	Colchester	CO6 3UE
Eastern Division Sports Club		10 Southway	Essex	CO4 9OX
Elimco Water Technologies Limited		Brunel Way	Colchester	CO1 1NP
Ellisons Solicitors	Headgate Court	Head Street	Colchester	CO1 1NP
Ellisons Solicitors	Headgate Court	Head Street	Colchester	CO1 1NP
Elmstead Division of Girls Guiding		81 Colne Road	Essex	CO7 0DU
Enterprise Inn PLC		3 Monkspath Hall Road	West Midlands	B90 4SJ
Environmental Control Manager	Environmental Control	P.O. Box 889, Town Hall	Colchester	CO1 1FL
Essex Disabled Angling Club		79 Cypress Close	Essex	CO15 4RG
Essex Leisure Ltd	Essex House	21 Eastways	Essex	CM8 3YQ
Fashion Cafe Bar		2 St. Botolphs Street	Colchester	CO2 7DX
Father Arthur Barrow		16 Clairmont Road	Colchester	CO3 5BE
Fingringhoe Club		Chapel Road	Colchester	CO5 7BH
Fingringhoe Mens' Club		Chapel Road	Colchester	CO5 7BH
Frankice (Golders Green) Ltd		Walford	Walford	WD25 8HL
Frankice (Golders Green) Ltd		Walford	Walford	WD25 8HL
Friars Grove School Parent Teacher Association		St Johns Estate	Colchester	CO4 0NZ
Friends Of Ardleigh St Marys Church School	St Marys Church	Upland Drive	Ardleigh	CO4 0PS
Friends of Chappel School	Chappel Primary School	The Street	Colchester	CO6 2DD
Friends of Fordham		5 Moatfields, Moat Road	Colchester	CO6 3PG
Friends of Langham School	Langham Primary School	Langham Primary School	Langham, Colchester	CO4 5PB
Friends of Layer School	Layer de la Hays	Controlled Primary School	Layer de la Hays	CO2 0DS
Friends of Lexden School PTA		Lexden Primary School	Colchester	CO3 5AS
Friends of Littlegarth School	Littlegarth School, Horkesley	Park Road	Colchester	CO6 4JR
Friends of Milfields	Milfields Primary School	Bowes Road	Colchester	CO7 9RD
Friends of Montgomery Junior School	Montgomery County Junior School	Baronswood Way	Essex	CO2 9QG
Friends of Parsons Heath Primary School		Templewood Road	Essex	CO4 3EZ
Friends of Prettygate Infant School		Plume Avenue	Essex	CO3 4PH
Friends of St Lawrence C of E Primary School		Rectory Road	Colchester	CO5 7HR
Friends of St. James School	St James Primary School	Guildford Road	Colchester	CO1 2RA
Friends of Treetops	62 Treetops	Victoria Gardens	Colchester	CO4 9YE
Funsize Leisure Co Limited		18 St Vincents Road	Essex	SS0 7PR
Gala Bingo		New Castle House	Nottingham	NG7 1FT
Gala Leisure Ltd		Glebe House	Barking	IG11 7NS
Gamblers Anonymous		P. O. Box 88	Birmingham	SW10 0EU
Gambling Commission		Victoria Square House	Birmingham	B2 4BP
GAMCARE		2nd Floor	Birmingham	B2 4BP
Games Media		7-11 St. Johns Hill	London	SW11 1TR
Gamestec Leisure		99 Green Lane	Middlesex	TW4 6BW
Gaming & Leisure Services		Low Lane	Leeds	LS18 4ER
Garrison Building K28, Senior Officers Housing	Unit 9	Cromwell Centre	Hainault	IG6 3UG
Gosshalks Solicitors		3 Gryps Close	Colchester	CO2 9NJ
Great & Little Tey Village Committee		Queens Gardens	Kingston Upon Hull	HU1 3DZ
Great & Little Tey Village Committee		Gallewood	Essex	CM2 8RE
Great Tey Pre School		15 Chrismund Way	Colchester	CO6 1AZ
Great Tey Village Hall	Great Tey Primary School PTA	Village Hall Chappel Road	Colchester	CO6 1JP
Greene King Brewing & Retailing Ltd	Abbot House	Chappel Road	Colchester	CO6 1AZ
Greenstead Racing Limited	Town Wall House	Westgate Brewery	Suffolk	IP33 1QT
Greenstead St Andrews N&I School		Balkerne Hill	Essex	CO3 3AD
Hamilton School PSA	Hamilton School	Hickory Avenue	Essex	CO4 3QJ
Head of Children's Safeguarding Service	Essex County Council	Constantine Road	Essex	CO3 3GB
Headway Essex	Headway Essex	D/G06, D Block, P.O. Box 11	Essex	CM1 1LX
Heathlands School	Heathlands School	Headway Town Office	Colchester	CO1 1PB
Highwoods CP Primary School PTA	Highwoods County Primary School	New Church Road	Colchester, Essex	CO6 3JF
Highwoods CP Primary School		Tynedale Square	Colchester	CO4 9SN

Hole In The Wall			Baikeme Hill	Colchester	CO3 3LA
Home Farm School Association	Home Farm School		Shelley Road	Colchester	CO3 4JL
Horse & Groom Inn	55 The Cross		55 The Cross	Wivenhoe	CO7 9QL
Hospital Arms, Tap & Spile	123-125 Crouch Street		123-125 Crouch Street	Colchester	CO3 3HA
Huntsmans Tavern	177 Shrub End Road		177 Shrub End Road	Colchester	CO3 4RG
Information & Business Support Team	New Dukes Way Office	Essex Trading Standards	2 Beauport Road	Dukes Park Industrial Estate	CM2 6PS
Jackson & Partners Solicitors	Baikeme Court		1 Baikeme Hill	Colchester	CO3 3ET
Jackson & Partners Solicitors	Baikeme Court		1 Baikeme Hill	Colchester	CO3 3ET
JD Weatherspoons	Wetherspoon House		Reeds Crescent	Walford	WD24 4QL
Jennings Racing			68c Church Road	Tipfree	CO8 0HB
John Gaunt & Partners	Omega Court		372 Cemetery Road	Sheffield	ST11 8FT
Kids Club at Copford	Copford C Of E Primary School		School Road	Copford	CO6 1BX
Kings Arms			63 Crouch Street	Colchester	CO3 3EY
Kingsford County Junior & Infant School			Gloucester Avenue	Colchester	CO2 9AZ
Kingswode Hoe School			Sussex Road	Colchester	CO3 3QJ
Ladbrokes Betting & Gaming Ltd	Imperial House		Imperial Drive	Rayners Lane	HA2 7JW
Langenhoe And Fingringhoe Sponsered Rise	Chin- Kara		South Green Road	Fingringhoe	CO5 7DR
Langham Community Council	C/o Mr P Herbert		Spandrel, Perry Lane	Langham	CO4 5PH
Langham Primary School			School Road	Langham	CO4 5PB
Langham with Boxted Parochial Church Council			Parsonage Road	Boxted	CO4 5ST
Layer Mamey Parochial Church Council	The Old Vicarage			Colchester	CO5 9UT
Legends Bookmakers	Ground Floor		3a-3b Haven Road	Colchester	CO2 8HT
Legends Bookmakers Limited			88 Derwent Road	Colchester	CO4 9RU
Leisure Link	3 The Maltings		Welmore Road	Burton on Trent	DE14 1SE
Level 2 Bar, Students Union Food Bar	University Of Essex		Wivenhoe Park	Colchester	CO4 3SQ
Lexden CP School, Lexden Primary School			Trafalgar Road	Colchester	CO3 9AS
Lexden Parochial Church Council			Lexden Road	Colchester	
Ling Trust Limited			Lexden Springs School Halstead	Colchester	CO3 9AB
Liquid/Envy			330 Ipswich Road	Colchester	CO4 0ET
Little Horkeley Village Hall			131 High Street	Colchester	CO1 1SP
Live & Let Live			Holts	Little Horkeley	CO6 4DR
Lord Nelson			12 Millers Lane	Stanway	CO3 0PS
Luminar Leisure Limited	Licensing Department		134 Hythe Hill	Colchester	CO1 2NF
Lyne Appeal	Healthside Cottage		Delic Avenue	Rooksley	MK13 8LW
Main Kitchen	M C T C, Berechurch Hall Camp		The Bridleway	Forham Heath	CO3 9TA
Mairdair Limited			Berechurch Hall Road	Colchester	CO2 9NU
Malaysian Aid Project			5 California Close	Colchester	CO4 9SG
Marks Tey Racecourse	Unit 1 Paxten Corner		Brunel Road	Colchester	CO5 9EZ
Marylands	Shrubland Court Day Centre		Easthorpe Road	Colchester	CO3 3UE
Masterson Leisure Ltd			43 Shrub End Road	Colchester	CO16 8QR
Mersea Island Football Club	The Glebe House		6 Newton Way	Essex	
Mersea Osiland Fundraising For Headway			73 Empress Avenue	West Mersea	CO5 8BL
Mildene Parent School Association	Mildene County Primary School		65 Barbrook Lane	Colchester	CO5 0EF
Miss Alyson Rachael North	Foresters Arms		Tipfree	Colchester	CO3 3HD
Miss Cheryl Hilliam			Colchester High School	Colchester	CO1 1UW
Miss L M Betchley			1-2 Castle Road	Colchester	CO2 8DT
Miss Linda Lilley	Chin-Kara		122 Speedwell Road	Colchester	CO5 7DR
Miss Lisa Stanley	Rose & Crown		South Green Road	Colchester	CO7 6AS
Miss Nicole Gatherum	Park Hotel		Crown Street	Colchester	CO7 9AF
Miss Pamela Jackson			140 High Street	Colchester	CO4 9RR
Mitchells & Butlers Leisure Retail Ltd			86 Berkley Close	Colchester	CO6 3AA
Motley's			Hall House	Colchester	B3 1JP
Montgomery Junior School			27 Fleet Street	Wormingford	CO2 7EF
Motor Neurone Disease Association	Montgomery County Junior School		5 St Botolphs Circus	Birmingham	CO2 9QG
MPSC Benevolent Fund	Berechurch Hall Camp		Baronswood Way	Colchester	NN1 2PR
Mr A Condon			PO Box 246	Northampton	CO2 9JU
Mr A Parsons	Birch Parish Council		55 Malling Green Road	Colchester	CO2 0JJ
Mr A Skinner			Tynedale Square	Colchester	CO4 9SN
Mr A Brierley	Marks Tey Parish Council		Old London Road	Colchester	CO6 1EN
Mr Adnan Ademoglu			19 Banley Way	Colchester	CO3 5YD
Mr Adrian Keith Randall			2 St. Botolphs Street	Colchester	CO2 7DX
Mr Allan Ramsay			131 Ramsay Drive	Arnold	NG6 6SB
Mr Andrew Spurling			5 Fairways	Brailswick	CO4 5TX
Mr Benjamin Colin Pace			17 Stammers Road	Colchester	CO4 5LX
Mr Brett Lord	Candi		21 Osborne Street	Colchester	CO2 7DA
Mr C Messer			Waldegraves Lane	West Mersea	CO5 8SE
	St Georges Junior School		St Georges Junior School	Colchester	CO2 7RU

Mr Carl Howells	19 Head Street	Colchester	Colchester	CO1 1NX
Mr Charlie Alexander	Hall Road	Mount Bures, Bures	Suffolk	CO8 SAS
Mr Chris Clarke	11 Back Lane	Colchester	Colchester	CO3 4DQ
Mr Chris Smith	101 Collingwood Road	Colchester	Colchester	CO3 9BB
Mr Christopher James Eastale	Copt Hall	Little Wigborough	Colchester	CO5 7RD
Mr Colin Keay-Chaplin	25 Crowhurst Road	Colchester	Colchester	CO3 3JW
Mr Colin Watson	74 Uplands Road	Sudbury	Suffolk	CO10 1NY
Mr D. J. G. Rees	White Gates	Colchester Road	Colchester	CO6 2DQ
Mr D Knight	79 St Clairs Road	St Osyth	Clacton-on-sea	CO16 8QJ
Mr D Winter	School Road	Langham	Colchester	CO4 9PD
Mr D. Tucker	10 Melrose Road	West Mersea	Colchester	CO5 8JD
Mr Daryl Swain	Youth Football Club	1 Woodpecker Close	Colchester	CO4 3FF
Mr David Hinchcliffe	Alderman Blaxill School	Colchester	Colchester	CO2 9DG
Mr David Smith	35 Hillhouse Drive	Billerica	Essex	CM12 0BA
Mr David Williams	Lamberts Lane	Earls Colne	Colchester	CO6 2LE
Mr Derek John Carey	Greenlands Farm	Copford	Colchester	CO6 1BJ
Mr Derek Wheeler	36 Aldeburgh Gardens	Highwoods	Colchester	CO4 9AR
Mr Ewen Macgregor	Gala Coral Group	Castle Boulevard	Colchester	NG7 1FT
Mr F N David	Burnt House Farm	Wakes Colne	Nottingham	CO6 2AT
Mr Frederick G Young	The Barn at Belladale	Blackmore	Essex	CM4 0NX
Mr G Stimson	Baynards Primary School	Townsend Road	Colchester	CO5 0ND
Mr Gareth Nock	2 The Firs	Layer de la Haye	Colchester	CO2 0DU
Mr Gary Johns	42 Heathfields	Colchester	Essex	CO6 3QP
Mr Geoffrey Wilcox	2 Ladell Close	Colchester	Colchester	CO3 9XT
Mr Geoffrey Gower	10 Old Forge Road	Layer De La Haye	Colchester	CO2 0JS
Mr Graham Tyler	70 Rudsdale Way	Colchester	Colchester	CO3 4LR
Mr Ian Reed	Colchester	Essex	Colchester	CO6 2DS
Mr Ivan King	62 Victoria Gardens	Colchester	Essex	CO4 9YE
Mr J A Everett	Abberton Road	Langenhoe	Colchester	CO5 7AW
Mr J French	3 Buxton Cottages	Salmon Corner	Colchester	CO6 1RX
Mr J Purser	Lower Castle Park	Colchester	Essex	CO1 1UD
Mr James Firmin	Jim-A-Ric	Bounstead Road	Colchester	CO2 0DE
Mr Jason Hawke	29 Egret Crescent	Colchester	Colchester	CO4 3TX
Mr Jeffrey L H Wright	1 St. John Street	Colchester	Colchester	CO2 7AA
Mr Jim Musk	11 Beecroft	Stanningfield	Bury St Edmunds	IP29 4RT
Mr John Bateman	16 Payne Place	East Hammingfield	Chelmsford	CM3 8JU
Mr John Brian Wilde	12 Greenacres	Mill End	Colchester	CO4 9DX
Mr John Richard Parrick	28 Mersea Road	Colchester	Colchester	CO2 7ET
Mr John William Stevens	Magdalen Hall	Wimpole Road	Colchester	CO1 2DE
Mr Jon Christopher Tidman	10 St Marys Fields	Colchester	Colchester	CO3 3AE
Mr Jonathan Martin	264 Cowdray Avenue	Colchester	Essex	CO1 1X2
Mr K Butcher	Hall Road	Mount Bures	Colchester	CO8 5AJ
Mr Ken Warne	9 Beeligh Close	Colchester	Colchester	CO2 8LZ
Mr Kevan Pugh	Royal Mall	Eastgates Moorside	Colchester	CO1 2GB
Mr L Broadhurst	6 Stable Mews	West Mersea	Colchester	CO5 8HR
Mr Lester Wayne Pearse	MPSB Benevolent Fund	Berechurch Hall Camp	Colchester	CO2 9NU
Mr M Boyle	Broad Lane Ground	Elmstead Road	Wivenhoe	CO7 7HA
Mr Mark Innes	128 High Street	Colchester	Colchester	CO1 1SP
Mr Matthew Deith	Ottespool Way	Walford	Herts	WD25 8HL
Mr Michael John Culham	Nayland Road	West Bergholt	Colchester	CO6 3DG
Mr Michael Keith Blackmore	3-5 Kendall Road	Colchester	Essex	CO1 2BN
Mr Nigel Drew	16 Harvey Crescent	Stanway	Colchester	CO3 0GN
Mr Nigel Pettit	24 Twinings Road	Colchester	Essex	CO3 9XJ
Mr Paul Clarke	128 Layer Road	Colchester	Colchester	CO2 7JX
Mr Paul Dickson	United Way	Colchester	Essex	CO4 5UP
Mr Paul Evans	64 Fearing Hill	Feering	Colchester	CO5 9NL
Mr Paul Goodall	Guldford Road	Colchester	Colchester	CO1 2RA
Mr Paul Harrison	The Philip Morant School	Rembrandt Way	Colchester	CO3 4OS
Mr Paul Richard Self	83 Titus Way	Colchester	Colchester	CO4 5GB
Mr Paul Scott	14 Dudley Road	Fingringhoe	Colchester	CO5 7DS
Mr Phil Jones	Monkwick Avenue	Colchester	Colchester	CO2 8NJ
Mr Phillip Wood	Wivenhoe Hall Folly	High Street	Wivenhoe, Colchester, CO7 9AF	
Mr R A Duffield	22 Coriander Road	Tiptree	Colchester	CO5 0AU
Mr R Cannon	41 Dedham Meade	Dedham	Colchester	CO7 6EU
Mr R Drury	Workhouse Cottage	Little Horkeley	Colchester	CO6 4DR
Mr Ralph Herbert Davis	31 Osborne Street	Colchester	Colchester	CO2 7DA
Mr Richard Brown	11 Spring Lane	Eight Ash Green	Colchester	CO6 3QE
Mr Robert A Holmes	Lower Road	Peldon	Colchester	CO5 7QR
Mr Robert Anthony Buckland	18 Reynead Close	West Mersea	Colchester	CO5 8DL

Mr Robert Charles Wopling			Fermain	2 Gorse Way	Stanway	Colchester	CO3 0QP
Mr Rodney Borgantz				Gorse Lane	Tiptree	Colchester Essex	CO5 0AH
Mr Rodney Sandys				37 Glebe Road	Tiptree	Colchester	CO5 0SZ
Mr S.Groom		Wormingford Parish Council		20 Millers Close	Great Horkeley	Colchester	CO6 4HW
Mr S.Groom		Great Horkeley Parish Council		20 Millers Close	Great Horkeley	Colchester	CO6 4HW
Mr Simon Wade				2 Valley Close	Stanway	Colchester	CO3 0QU
Mr Stephen Kennedy Whybrow				The Old Vicarage	Parsonage Road	Boxted, Colchester	CO4 5ST
Mr Stuart Thackram				Holmwood House School	Chitts Hill	Colchester	CO3 9ST
Mr T Orchard		Layer Breton Parish Council	Layer Breton Lodge	18 Westside Centre	London Road	Colchester	CO2 0PP
Mr Tom Fenton				Hickory Avenue	Colchester	Stanway Colchester	CO3 8PH
Mr Tony Murray			St Andrews Junior School	22 Fairways	Colchester	Essex	CO4 3QJ
Mr William Anslow				Layer Marney Wick	Colchester		CO4 5TX
Mr William Backhouse				47 Stanley Wooster Way	Colchester		CO5 9UT
Mr Michael Jackson				10 Queensberry Avenue	Colchester		CO4 3XX
Mrs A Buckmaster				77 High Street	Coptord	Colchester	CO6 1YN
Mrs A. Stinson		Wivenhoe Town Council		27 The Slades	Wivenhoe	Colchester	CO7 9AB
Mrs Anne Holland			Goose Acre	Bargate Lane	Vange	Basildon	SS16 4SG
Mrs Anne Lipscomb			Great Tey Primary School	Christmund Way	Great Tey	Colchester	CO7 6BN
Mrs Anne Seaden				The Old School	Church Square	Colchester	CO6 1AZ
Mrs B Yorke-Edwards				2 Chapel Lane	Great Bromley	Holton St Mary, Colchester	CO7 6NP
Mrs C Jackson				Villa Road	Stanway	Colchester	CO7 7JT
Mrs C Moss		Stanway Parish Council	Victory Hall	23 Edward Marke Drive	Langenmoor	Colchester	CO3 0RH
Mrs C.Collett		Abberton & Langenmoor Parish Council		13 Greate House Farm Road	Layer-De-La-Haye	Colchester	CO5 7LP
Mrs Carole Lesley Littlewood				17 Heath Road	Wivenhoe	Colchester	CO2 0LP
Mrs D F Duffield				Elmco Water Technologies	Brunei Way	Colchester	CO7 9PS
Mrs D Moolman				58 Shaftesbury Avenue	Dovercourt	Essex	CO4 9QX
Mrs D. Humphries		Coptord with Easthorpe Parish Council		58 Shaftesbury Avenue	Dovercourt		CO12 4BT
Mrs D. Humphries		Fordham Parish Council		Park Road	Great Horkeley	Essex	CO12 4BT
Mrs Debbie Bentfield			Littlegarth School, Horkeley	Tumblers Green	Slsted	Colchester	CO6 4JR
Mrs E Mcmillan		Brooks View		Wick Road	Langham	Brainree	CM77 8BA
Mrs Elaine Busbridge		Alfriston		17 Coppingford End	Coptord	Colchester	CO4 5PE
Mrs Elisabeth Sippings				17 Green Lane	Aldham	Colchester	CO6 17G
Mrs F.A.Fulcher		Aldham Parish Council		1A Jays Lane	Marks Tey	Colchester	CO6 3RE
Mrs Fiona Bailey				101 Nayland Road	Mill End	Colchester	CO6 1LP
Mrs H Harris		Myland Parish Council		Highwoods Square	Highwoods	Colchester	CO4 5EN
Mrs Heather Payne		St Johns & Highwoods Community		Friars Grove PTA	Uplands Drive	Colchester	CO4 9SR
Mrs Helen Dudley-Smith				Hickory Avenue	Greenstead	Colchester	CO4 4PZ
Mrs J Breeze		St Andrews N & I School		6 Yew Tree Close	Colchester	Colchester	CO4 3QJ
Mrs J Lay				Dedham Parish Council	Coppins	Essex	CO4 3LD
Mrs J.P. Flewin		East of England Co-op Society	Victoria Place	Eid Lane	Colchester	Crown Street, Dedham	CO7 6AT
Mrs Jackie Bowls				29A West Street	Wivenhoe	Essex	CO1 1LR
Mrs Jacqueline Riley				31 Osborne Street	Colchester	Colchester	CO7 9BH
Mrs Jane Davis				Queens Road	West Bergholt	Colchester	CO6 7DA
Mrs Jean Patricia McGivern			Queens Head	97 Prettygate Road	Colchester	Colchester	CO6 3HE
Mrs Jo White				Lower Green	Wakes Colne	Essex	CO3 4EE
Mrs Joanna Johnson			Lavender Cottage	Little Horkeley	Colchester	Essex	CO6 2AZ
Mrs Julia Orme		Holts		3 Gryps Close	Colchester		CO6 4DR
Mrs K McNeil				36 Clayhall Place	Acton		CO2 9NJ
Mrs K Stovell				5 Moatfields	Fordham	Sudbury, Suffolk,	CO10 0BT
Mrs Karen J Garrad				31 Spring Chase	Wivenhoe	Essex	CO6 3PG
Mrs Kathy Alden				1 Fairview	Vernons Road	Colchester	CO7 9QP
Mrs Marion Cordingley				34 Harsnell Road	Colchester	Chappel, Colchester	CO6 2DL
Mrs Mary Bibby				11 Arbour Way	Colchester		CO1 2HY
Mrs Mary Elizabeth Beverley				64 London Road	Copford	Colchester	CO4 9BD
Mrs Nicky Withycombe				1 Pilborough Way	Lexden	Colchester	CO6 1BJ
Mrs Pauline Rose Manning		Boytons		206 Maldon Road	Tiptree	Colchester	CO3 9XW
Mrs Penny Cuthew-Herrett				13 Woodstock	West Mersea	Colchester Essex	CO5 8PU
Mrs R Harvey		The Coppice		Abberton Road	Fingringhoe	Colchester	CO5 7AS
Mrs R.S.Pullen		The Elms		Maldon Road	Great Wigborough	Colchester	CO5 7SB
Mrs Rachel Eaton				13 Longridge	Colchester		CO4 3FD
Mrs Roslyn Freeland				1 Tharachers Cottages	Mill Road	Boxted Colchester	CO4 5RW
Mrs S Collins		St Lukes Church Of England Pri		66 Church Road	Tiptree	Colchester	CO5 0SU
Mrs S.Groom				Gt Horkeley	Gt Horkeley	Colchester	CO6 4HW
Mrs S. Smith		Mount Bures Parish Council	5 Beech Grove	Sible Hedingham	Halstead	Essex	CO9 3NZ
Mrs S.Hughes		Layer-de-la-Haye Parish Council	Oaklands	153 High Road	Layer-De-La-Haye	Colchester	CO2 0EB
Mrs Sandra Brett			Chelsworth	7 Mill Road	Marks Tey	Colchester	CO6 1EA
Mrs Sarah Dutch		Sunray		Lyndhurst	Bromley Road	Arleigh	CO7 7SF
				John De Bois Hill	Arleigh	Colchester	CO7 7PH

Mrs Sarah Thompson			Prettygate Infant School	Plume Avenue	Colchester	CO3 4PH
Mrs Sarah Whearty				42 Spindrift Way	Wivenhoe	CO7 9GW
Mrs Sylvia Ward				21 Ashwin Avenue	Copford	CO6 1BS
Mrs T. Jephcott			Ditchlings	Quillers Green	Fordham	CO6 3LZ
Mrs Toni Clay				117 Hillview Close	Rowhedge	CO6 7HT
Mrs Tracey Jane Sharpe				5 Bargate Lane Cottages	Bargate Lane	CO7 6BN
Mrs V Burrows				23 Crossways	Colne Engine	CO6 2JA
Mrs V Capon				19A Reymead Close	West Mersea	CO6 8DJ
Mrs V. Watson				17 Armoiry Road	West Bergholt	CO6 3JN
Mrs Valerie Pryor				73 Empress Avenue	West Mersea	CO6 8BL
Mrs Victoria L. Robinson				141 Albany Gardens	Colchester	CO2 8HQ
Mrs Yvette Welton			Rowhedge Village Hall	Rectory Road	Rowhedge	CO5 7HP
Ms A. J. Harness				6 Stable Mews	West Mersea	CO5 8HR
Ms A. J. Harness				6 Stable Mews	West Mersea	CO5 8HR
Ms Angela Thomson			Lord Nelson	134 Hythe Hill	Colchester	CO1 2NF
Ms Anne Warner				26 Papillon Road	Colchester	CO3 3JG
Ms C. McSweeney			2 Mynott Court	Church Road	Tiptree	CO5 0UP
Ms C Summers			Colchester Institute Of Higher	Sheepen Road	Colchester	CO3 3LL
Ms Carol Nice			Wilson Marriage Centre	Barrack Street	Colchester	CO1 2LR
Ms Cassandra Collins			Broomgrove County Infant And J	Broom Grove	Wivenhoe	CO7 9QB
Ms Christine Hill				St Helena Hospice Shop	95-97 Magdalen Street	CO1 2LA
Ms Collette Shewood				16 Fennel Close	Tiptree	CO5 0TF
Ms Deborah Hirst				49 Park Road	Wivenhoe	CO7 9LS
Ms Ellen Daniels				18 Terling Close	Colchester	CO2 8LS
Ms Emma Chesters				230 Straight Road	Colchester	CO3 9DU
Ms Heather Ablett				Clacton Road	Mistley	CO5 8SH
Ms Heather Castillo				21 East Mersea Road	West Mersea	CO6 1AZ
Ms Helen Maureen Britt				15 Christmud Way	Great Tey	CO3 9EF
Ms Helen Yates				333 Straight Road	Colchester	CO4 0LR
Ms Jacqueline Dawn Archard				55 St. Cyrus Road	Colchester	CO3 9DE
Ms Jacqueline Tizzard				147 Straight Road	Colchester	CO5 0JG
Ms Jill Badman			Marylands	43 Shrub End Road	Colchester	CO4 9SG
Ms Julie Anne Harper				2 Poyston Cottage	Grove Road	CO2 7SW
Ms Julie Cann				5 California Close	Colchester	CO5 0AA
Ms Juliet Holroyd				Napier House	Colchester	CO5 9UP
Ms Karen Beattie				2 Lakewood	Wivenhoe	CO4 0JG
Ms Karen Hill				43A-43A Morley Road	Wivenhoe	CO7 9DP
Ms Karen Hills				Harvard & Henderson	Wakes Colne	CO6 2BE
Ms Karen Thompson-Perry			4 Woodview Cottages	Woodview Road	Wakes Colne	CO6 1XJ
Ms Kerry Ann Hannah				215 St Johns Road	Colchester	CO2 9QG
Ms Kirsty Semple			Brook House	1 Brook Street	Colchester	CO3 9AB
Ms Laura Holgate			Glenica Vale	32 Rotary Way	Colchester	CO3 3GB
Ms Linda Goodchild				Inworth Lane	Colchester	CO6 3AA
Ms Natalie Hampton				3 Maybury Close	Marks Tey	CO1 1UG
Ms Natalie Launder			Montgomery County Junior Sch	Baronswood Way	Colchester	CO7 9NW
Ms Nicola Elliott			Lexden Springs School	Halstead Road	Colchester	CO2 0BY
Ms Rebecca King			Hamilton Primary School	Constantine Road	Colchester	CO4 0NJ
Ms Rebecca Stanmore			The Bungalow	Wormingford Hall Chase	Colchester	CO16 8HA
Ms Rosie Stamp			Myland Hall	Barncroft Close	Colchester	CO4 9JU
Ms S Drummond			St Helena Hospice	High Street	Colchester	SM3 8EF
Ms S Shepherd				9 Friars Close	Colchester	CO6 1JQ
Ms Sally Ann Crosby				Mersea Road	Wivenhoe	CO3 9XA
Ms Samantha Macgregor			The Cherry Tree Public House	4 Rockingham Close	Blackheath	CO3 0PL
Ms Sarah Chambers			Holly Lodge	Colchester Road	Colchester	CO3 0JN
Ms Sarah Crossley			Swift Owners Club	57 Palmer Avenue	Colchester	CO4 5LD
Ms Sarah Herbert				Village Hall	Chappel Road	CO4 5LD
Ms Susan Elizabeth Hawes				17 James Carter Road	Colchester	SW1W0EB
Ms Sylvie Jacobin				18 Meadow Grass Close	Colchester	CO5 0BN
Multiple Sclerosis Resource Centre				7 Peartree Business Centre	Peartree Road, Stanway	CO1 2BN
Myland Primary School				Mill Road	London	CO7 9DP
NCIF				38 Grovesnor Gardens	London	CO1 1NX
New Times				87 Maldon Road	Tiptree	CO1 1NH
New Town Tavern				Kendal Road	Colchester	WC2H 7DN
Nicholas Mills Foundation			1 Brook House	Brook Street	Wivenhoe	MT 5JW
Nineteen				19 Head Street	Colchester	
North School Association			North County Primary School	John Harper Street	Colchester	
Odeon Cinema				Head Street	Colchester	
Odeon Cinemas Ltd				54 Whitcomb Street	London	
Odeon/Uci Cinemas Legal Dept			6th Floor	Lee House	90 Great Bridgewater Sit Manchester	

Templin Ltd	Blisworth Hill Farm	Stoke Road	Blisworth	Northamptonshire	NN7 3DB
The Albert	Tesco Supermarket	Greenstead Road	Colchester		CO1 2TE
The Artilleryman		Cowdray Avenue	Colchester		CO1 1UT
The Avenue playgroup		54-56 Artillery Street	Colchester		CO1 2JQ
The Bakers Yard Limited	Blackburn House	22 The Avenue	Wivenhoe	Colchester	CO7 9AH
The Brewers Arms		32a Crouch Street	Colchester		CO3 3HH
The British Grenadier		31 Osborne Street	Colchester		CO2 7DA
The British Leprosy Relief Association (LEPRA)		67 Military Road	Colchester		CO1 2AP
The Close Imperial Pub Company Plc		28 Middleborough	Colchester	CO1 1TG	
The Colchester School Of Gymnastics		10 Crown Place	London		EC2A 4FT
The Crown Inn		Brinkley Grove Road	Myland	Colchester	CO4 5DS
The Daniel Andrew Memorial Foundation		235 Lexden Road	Colchester		CO3 4DA
The Dragon	Colchester Delivery Office	Royal Mail	Moorside	East Gates, Colchester	CO1 2GB
The Foresters Arms		82 Butt Road	Colchester		CO3 3DA
The Fox & Fiddler		1-2 Castle Road	Colchester		CO1 1UW
The Friar		1 St. Johns Street	Colchester		CO2 7AA
The Friends of Holmwood House	Holmwood House	St Christopher Road	Colchester		CO4 0NE
The Friends of the Wigborough		Chitts Hill	Lexden	Colchester	CO3 9ST
The Glebe	The Glebe House	Copt Hall Lane	Little Wigborough	Colchester	CO5 7RD
The GREaT Foundation		East Road	East Mersea	Colchester	CO5 8TQ
The Greyhound		10 Brick Street	London		W1J 7HQ
The Hare & Hounds		62 High Street	Wivenhoe	Colchester	CO7 9AZ
The Haven Project		Garlands Road	Layer Breton	Colchester	CO2 0PN
The High Street Pub Company Ltd	Porter Tun House	1 Glen Avenue	Colchester		CO3 3RP
The Hub		500 Capability	Luton		LU1 3LS
The Langenhoe Lion		19 Head Street	Colchester		CO1 1NX
The Nicolas Mills Foundation	The Pump House	Mersea Road	Langenhoe	Colchester	CO5 7LF
The Oak		Pewn Road	Beaconsfield Road	Bucks	HP9 2TN
The Odd One Out		40 Oak Road	Tipree	Colchester	CO5 0NF
The Odd One Out		28 Mersea Road	Colchester		CO2 7ET
The Parachute Regimental Ass. East Anglian Branch		28 Mersea Road	Colchester		CO2 7ET
The Philip Morant School Fund	Philip Morant School	74 Uplands Road	Sudbury	Suffolk, CO10 1NY	
The Playhouse		Rembrandt Way	Colchester		CO3 4QS
The Proper Officer	Custom House	4-6 St. Johns Street	Colchester		CO2 7AA
The Purple Dog	HM Revenue & Customs, Greenock Operational Team	Custom House Quay	Greenock		PA15 1EQ
The Queens		42 Eld Lane	Colchester		CO1 1LS
The Rovers Tye		Berechurch Road	Colchester		CO2 7QB
The Royal British Legion		Highwoods Approach	Colchester		CO4 9BA
The Silk Road		The Quay	Wivenhoe	Colchester	CO7 9BX
The Station Hotel		4 St. Botolphs Street	Colchester		CO2 7DX
The Stockwell Arms		Station Road	Wivenhoe	Colchester	CO7 9DH
The Victory		18 West Stockwell Street	Colchester		CO1 1HN
Thomas Estates Limited	Thomas House	92 Coast Road	West Mersea	Colchester	CO5 8LS
Thomas Estates Limited		17A Market Place	Loughborough		LE11 3EA
Thomas Lord Audley School		17a Market Place	Loughborough		LE11 3EA
Thurstable School PTA		Monkwick Avenue	Colchester		CO2 8NJ
Tipree Scouts		Maypole Road	Tipree	Colchester	CO5 0EW
Tipree Utd Football Club		37 Glebe Road	Tipree	Colchester	CO5 0SZ
TLT Solicitors		39 Chapel Road	Tipree	Colchester	CO5 0RA
Top Bar		One Redcliff Street	Bristol		BS1 6TP
Town and City Pub Company Limited	University Of Essex	Wivenhoe Park	Colchester		CO4 3SQ
Trust Inns Limited	University Of Essex	Wivenhoe Park	Colchester		CO4 3SQ
University of Essex Students Union	Porter Tun House	500 Capability Green	Luton	Bedfordshire	LU1 3LS
Wakes Colne & Chappel Parochial Church Council	Blenheim House	Foxhole Road	Ackhurst Park	Chorley	PR7 1NY
Waldegraves Farm Holiday Park	University of Essex	Wivenhoe Park	Colchester		CO4 3SQ
Warren Wright Ltd	1 Fairview	Vernons Road	Chappel	Colchester	CO6 2DL
Wellington Pub Co PLC	Graphic House	Waidegraves Lane	West Mersea	Colchester	CO6 8SE
West Bergholt Vehicle Show	Merchaut House	11 Magdalen House	Colchester		CO1 2JT
West End Bowls Club	Parkway House	33 Fore Street	Ipswich	Essex	IP4 1JL
Weston Homes Community Stadium	Marena	Haddenham Business Park	Haddenham	Suffolk	HP17 8LG
Whitbread Group PLC	Whitbread Court	Nayland Road	West Bergholt	Colchester	CO6 3DG
White Hart		Fitzgilbert Road	Colchester		CO2 7XB
William Hill Organisation Limited	Development Department	United Way	Colchester	Essex	CO4 5UP
William Hill Organisation Ltd	Greenside House	Houghton Hall Business Park	Porz Avenue	Dunstable, Bedfordshire	LU5 5XE
		342 London Road	Stanway	Colchester	CO3 8LT
		156 High Street	Colchester		CO1 1PG
		Bridge House	47/65 Bridge Street	Walsall	WS1 1JQ
		50 Station Road	Wood Green	London	N22 7TP

Wilson Marriage Centre		Barrack Street	Colchester	CO1 2LR
Wivenhoe Allotment & Gardens Association		17 Heath Road	Wivenhoe	CO7 9PS
Wivenhoe Bowls Club		Woodland Way	Colchester	CO7 9AT
Wivenhoe Mayor's Charity Fund	Wivenhoe Town Council	Council Offices	Wivenhoe	CO7 9AB
Wivenhoe Town Council	Council Offices	77 High Street	Wivenhoe	CO7 9AB
Wivenhoe Town Football Club		Elmstead Road	Colchester	CO7 9HX
Wivenhoe Town Regatta Association		Wivenhoe Hall Folly	Wivenhoe	CO7 9AF
Yates Wine Lodge		1A Head Street	Colchester	CO1 1NX
Yew Tree		The Causeway	Great Horkeley	CO6 4EG
Young Childrens Festival		26 Papillon Road	Colchester	CO3 3JG

GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, e.g. Member’s Clubs, Unlicensed Family Entertainment Centres (FEC’s) and certain other premises
- Equal chance gaming, games of chance and gaming machines in member’s clubs; and
- Prize gaming, e.g. at travelling fairs.

Gaming Machines

The Gambling Act 2005 introduced new classes of gaming machines that may be operated under a permit, as shown in figure 1 below.

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
B4	1	250
C	.50p	70
D	10p	5

The category and number of machines that may be operated under a premise’s licence are shown in figure 2 below. (For information on Casino entitlements see Appendix 8)

Fig. 2

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Clubs or miners’ welfare institutes with permits				Maximum of 3 category B3A or B4 to D machines			
Qualifying alcohol licensed premises upon notification						Automatic entitlement up to 2 category C or D machines	
Qualifying alcohol licensed premises with gaming machine permit						Unlimited category C or D machines, as specified on permit	
Family entertainment centre (with permit)							Unlimited category D machines
Traveling fair							Unlimited category D machines
Adult Gaming Centre				Maximum 4 machines category B3 or B4 & unlimited category C or D machines			

Bingo Premises				Maximum 8 machines category B3 or B4 & unlimited category C or D machines
Betting Premises				Maximum 4 machines categories B2 to D

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 under the Licensing Act 2003 may be authorised to operate machines of class C or D provided the premise's licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

Automatic entitlement

The Gambling Act 2005 gave an automatic entitlement for the holder of a Premises Licence under the Licensing Act 2003 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 Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

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

However it should be noted that Colchester Borough Council as the Licensing Authority will only grant a maximum of 4 machines without the need for the application to be considered and determined by the Council's Licensing Committee.

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 and in its own right;
- 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 intend 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 Licensing 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 must be paid to the Licensing Authority.

Member's Clubs

The Gambling Act 2005 permits a members' club, including one holding a Club Premises Certificate issued under the Licensing Act 2003, or a miner's welfare institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of. In addition they may operate a maximum of 3 machines of either class B3A, B4, C or D.

The Act also permits those establishments and a commercial club to operate a maximum of 3 machines of either class B4, C or D under a Club Machine Permit.

New permits

Applications for a permit for premises already holding a club premises certificate are subject to a 'fast-track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a club premises certificate e.g. a commercial members' club with a premise's licence, may be refused by the Licensing Authority on the grounds that:

- the applicant does not fulfil the requirements for a member's 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 to the number of machines permitted under the Act. 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.

Any club holding a registration that had previously been made under Part 2 or 3 of the Gaming Act 1968 that was in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a club gaming permit or club machine permit irrespective of the type of registration previously held.

An application for a new club machine permit must be made at least 2 months before the existing registration expires together with the prescribed fee.

OTHER PREMISES (TAXI OFFICES, TAKE AWAY RESTAURANTS ETC)

Following the introduction of the Gambling Act 2005 on the 1 September 2007, business such as Taxi offices or take away fast food shops that held a Section 34 Permit granted under the Gaming Act 1968 but who did not hold a premises licence granted under the Licensing Act 2003 to allow for the sale of alcohol, could continue to site an 'amusement with prizes machine on their premises until such time as their Section 34 permit naturally expired. All such permits issued will have expired on the 31 July 2009 at the latest and the Gambling Act 2005 prohibited the grant or renewal of any new gaming machine permits to such businesses. It is therefore no longer possible for Taxi offices or fast food take away shops to site a gaming machine on their premises. All such machines should have been entirely removed from these businesses after the 31 July 2009.

Transitional arrangements

A permit issued under section 34 of the Gaming Act 1968 that is in force on 1 August 2006 will continue to have effect until its natural expiry date, e.g. a permit issued on 1 July 2006 will expire on 30 June 2009.

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 Record Bureau 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 Licensing 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.

Permits 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.

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 Licensing Authority may 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 and that the gaming offered is within the law.

The Authority may grant or refuse an application for a permit but cannot attach conditions to it. The Licensing Authority can only grant a permit once they have consulted the Chief Officer of Police for their area regarding the application and will take into account any objections that the Police may have that are relevant to the licensing objectives. These objections may relate to either the suitability of the applicant or the premises.

An application for a permit can only be made by the person who occupied or plans to occupy the premises in question and the application must be accompanied by a plan of the premises. The Authority may also require a current certificate issued by the Criminal Record Bureau in respect of the applicant, i.e. a certificate issued within the previous 28-day period and also proof of building and public liability insurance. 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 to grant or renew a permit, the applicant will be notified of the intention to refuse and the reason for it. The applicant may appeal such a refusal to the Magistrates Court within 21 days of the decision having been notified to them. In considering any such appeal, the Court will take account of the Gambling Policy Licensing Statement prepared by the Licensing Authority, the extent that the Authority has paid regard to the guidance under the Act issued by the Gambling Commission and also to the extent it has paid to the licensing objectives.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual fee payable to the Licensing Authority.

Prize Gaming without a Permit

Prize gaming without a prize gaming permit may be carried on in certain premises with a premises licence issued under the Gambling Act 2005.

Unlicensed FEC's may also offer equal chance prize gaming only, under the authority of their gaming machine permit.

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. They 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 and may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair

ALCOHOL LICENSED PREMISES

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

AFTER 1 SEPTEMBER 2007

UP TO 2 MACHINES

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

2 – 4 MACHINES

1. Apply to Licensing Authority to vary permit or for new permit.
2. Attach statistical justification showing use of existing machines.
3. Pay prescribed fee

MORE THAN 4 MACHINES

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

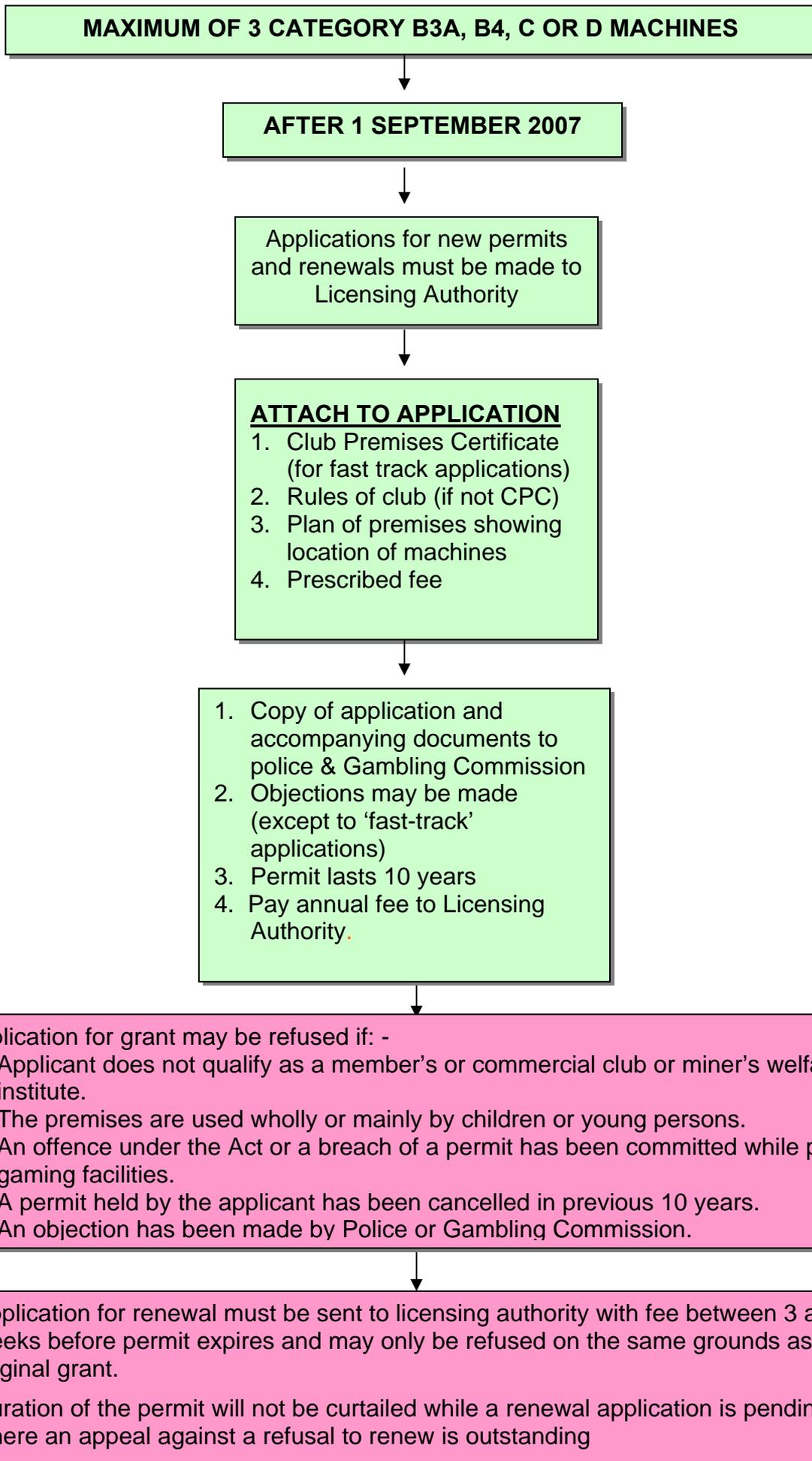
1. Permit has effect from 01/09/07 or date of grant unless surrendered or cancelled
2. Annual fee to be paid to Licensing Authority

1. Licensing authority can withdraw **automatic** 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.

MEMBER'S CLUBS GAMING MACHINE PERMITS



UNLICENSED FAMILY ENTERTAINMENT CENTRE

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

PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

1. Attach information required by Gambling Policy Licensing Statement
2. Attach plan of premises showing location of machines
3. Consult Chief Officer of Police for area
4. Pay prescribed fee to the Licensing Authority
5. Permit lasts for 10 years (no annual fee).

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, or that the Licensing Authority was not satisfied that the premises will be used as an unlicensed FEC. The Licensing Authority cannot add conditions to any grant of licence however.

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 w/o 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 incapacitate, 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 it

PRIZE GAMING PERMIT

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

PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

1. Attach information required by Gambling Policy Licensing Statement
2. Attach plans of premises (cannot be a vessel or vehicle)
3. Pay prescribed fee to Licensing Authority

1. Licensing Authority consults with Chief Officer of Police for their area
2. (If) Police have no objections
3. Permit granted & lasts for 10 years (no annual fee).

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. Objections on these grounds would normally come from the Police. However the Licensing Authority cannot attach conditions to any grant of the permit.

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 w/o 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 it

MULTI LINGUAL TRANSLATIONS

THE ENCLOSED PAPERS ARE VERY IMPORTANT
IF YOU HAVE DIFFICULTY READING OR UNDERSTANDING ENGLISH
PLEASE CONTACT SOMEONE WHO CAN HELP YOU IMMEDIATELY

ALBANIAN	<p>Letrat e bashkangjitura jane shume te rendesishme. Nese keni veshtersi per te lexuar ose kuptuar gjuhen angleze ju lutemi kontaktoni dikend per te ju ndihmuar menjehere.</p>
ARABIC	<p>الصفحات المرفقة مهمة جدا إذا لديك الصعوبة لقراءة أو فهم اللغة الإنجليزية أرجو أن تتصل بأي شخص الذي بإمكانه أن تساعدك فوراً</p>
BENGALI	<p>এই সঙ্গে দেওয়া কাগজপত্র অত্যন্ত জরুরী। আপনার যদি ইংরেজী ভাষা পড়তে বা বুঝতে সমস্যা হয়, তাহলে এমন কারো সঙ্গে যোগাযোগ করুন যে অবিলম্বে আপনাকে সাহায্য করতে পারবে।</p>
CHINESE	<p>夾附的文件非常重要。 如果你看不懂英文， 請立即與能夠幫助你的人聯絡。</p>
GUJARATI	<p>આ સાથે બીડેલાં કાગળો બહુ જ અગત્યના છે. જો તેની વિગત તમને અંગ્રેજીમાં વાંચવામાં અને સમજવામાં મુશ્કેલી પડતી હોય તો, મહેરબાની કરી કોઈ વ્યક્તિને સંપર્ક કરો જે તમને તુરંત મદદ કરી શકે.</p>
HINDI	<p>साथ दिए गए कागजात बहुत ज़रूरी हैं। यदि आपको अंग्रेज़ी पढ़ने या समझने में मुश्किल आती है तो कृपया किसी से कहें जो तुरंत आपकी मदद कर सके।</p>

KURDISH	<p>نهم په پانه ی هاوینچکراون زور گرنکن نهمگر تۆ گرفتت ههیه له گه ن خونندنه وه یان تیگه یشتنی نوسراوی نینگیزی نهما تکایه په یوهندی به یه کیگه وه بکه که بتوانیت به زووترین کات یارمه تیت بدات</p>
PUNJABI	<p>ਨਾਲ ਦੇ ਕਾਗਜ਼ਾਤ ਬਹੁਤ ਜ਼ਰੂਰੀ ਕਾਗਜ਼ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ ਚ ਕੋਈ ਦਿੱਕਤ ਹੁੰਦੀ ਹੋਵੇ, ਤਾਂ ਮਿਹਰਬਾਨੀ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਆਖੋ, ਜੋ ਤੁਹਾਡੀ ਫ਼ੌਰਨ ਮਦਦ ਕਰ ਸਕਦਾ/ਸਕਦੀ ਹੋਵੇ।</p>
TURKISH	<p>İlişikteki kağıtlar çok önemlidir. İngilizceyi okumakta veya anlamakta zorluk çekiyorsanız size derhal yardım edebilecek birisiyle lütfen temas kurunuz.</p>
URDU	<p>منسلک کئے گئے کاغذات بہت ضروری ہیں۔ اگر آپ کو انگریزی پڑھنے اور سمجھنے میں کسی دشواری کا سامنا ہے، تو براہ کرم کسی سے رابطہ کریں جو فوری طور پر آپ کی مدد کر سکے۔</p>



Licensing Committee

Item

9

27 November 2012

Report of	Head of Environmental & Protective Services	Author	Gary O'Shea
Title	Hackney Carriage and Private Hire Licence Policy and Conditions		
Wards affected	Not applicable		

This report concerns a change to the scheme of delegation from the Licensing Committee to the Head of Environmental and Protective Services

1. Decision Required

- 1.1 To approve for consultation the new policy and revised conditions and scheme of penalty points for Hackney Carriage and Private Hire Vehicles, Operators and Drivers with a view to reporting back in January 2013 for consideration of any representations received and final adoption.

2. Reasons for Decision

- 2.1 The current conditions have been in place for some time and whilst they have served well it is necessary to update them in order to keep pace with developments in legislation, case law and technology.

3. Alternative Options

- 3.1 It is not believed that there are any viable alternatives as it is necessary in an ever changing climate that the Council ensure that all policies and procedures are able to reflect and keep pace with any developments as highlighted in 2.1.

4. Supporting and Background Information

- 4.1 There are two main legislative provisions that govern the licensing of Hackney Carriages and Private Hire Vehicles, drivers and operators. In the case of Hackney Carriage Vehicles the primary legislation is the Town Police Clauses Act 1847 (TPC Act) and this was later supplemented by the Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) Act), which made further provision for Hackney Carriages but also introduced a licensing regime for private Hire Vehicles, Drivers and Operators.
- 4.2 Under sections 47 (Licensing of Hackney Carriages), 48 (Licensing of Private hire vehicles), 51 (licensing of drivers of private hire vehicles) and 55 (licensing of operators of private hire vehicles) of the LG (MP) Act a local authority can apply any conditions that are considered to be reasonably necessary.

- 4.3 In September 2012 this authority responded along with many others to a consultation by the Law Commission on Hackney Carriage and Private Hire reform. Whilst the government are looking at a major overhaul of this dated legislation, this is likely to be some 18 months to 2 years away as a minimum.
- 4.4 Whilst to some extent there is an argument that it may be best to wait until there is a better indication as to the future direction of the licensed vehicle trade it is anticipated that some of the proposals in this report are consistent with some of the government proposals e.g. a move to group II medicals for drivers and a tough stance on smoking in vehicles.
- 4.5 Notwithstanding the above some of the alterations being proposed are such that they no longer fit with the Councils move towards a better customer experience and/or best practice guidance and in some cases are not considered any longer to be fully compatible with the convention rights of an individual e.g. applications from foreign nationals or the length of time that an applicant is required to have held a DVLA licence prior to application.

5. Proposed Conditions and Penalty Point Scheme

- 5.1 The penalty point scheme is predominantly that which is already in force, however, this has been modified slightly to reflect the seriousness of certain offences and any breaches of conditions. In some cases, such as smoking, there are varying levels of penalty that have been introduced which are dependent on whether the offender has been penalised previously.
- 5.2 Further, in relation to the penalty point scheme, there existed some ambiguity as to the level of penalty to be imposed as the points allocated to each offence were a maximum level and discretion was able to be used as to how many points to issue up to the maximum. The proposal contained within this report is that the proposed scheme of penalties should be the actual penalty imposed in all cases and thus removing any danger of inconsistency by removing officer discretion.
- 5.3 A policy has been drafted to illustrate how the Council will generally look to apply the provisions of legislation and the process for handling and maintenance of licences. This is considered to be the most effective means of promoting best practice and constituency in all dealings in relation to the Hackney Carriage and Private Hire trades.
- 5.4 Appended to the policy are the proposed licensing and pre-licensing conditions, code of conduct, information on current fees (which may be varied from time to time) and various forms of information relating to specific aspects of the trade e.g. information on use of Limousines, novelty vehicles, vehicle inspections, medical information etc.

The draft policy is attached at appendix 1

6. Standard References

- 6.1 There are no particular references to the Strategic Plan.

7. Equality, Diversity and Human Rights Implications

- 7.1 There is a requirement that all applications received should be considered on their individual merits. There is also a full appeals process in place with regard to refused applications, driver suspensions and/or the imposition of penalty points. This process will allow any inadvertent or unintended consequence in relation to equality, diversity or human rights to be considered.
- 7.2 Equally all applications undergo a standardised process and will only be refused where there are specific concerns in relation to the 'fit and proper status of a driver or operator or the fitness and suitability of a vehicle.
- 7.3 The legislation is designed to promote the protection of the travelling public, has been developed by case law, government best practice advice and guidance, all of which has been fully taken into account in the drafting of the policy. Therefore, with specific emphasis on an individuals convention rights under the Human Rights Act 1982 the process is open and transparent and the appeals process ensures that fair play is maintained along with the appropriate balance between the rights of an applicant or licence holder and those of the public.
- 7.3 Any group or individual that may be affected by the grant or otherwise of a licence will have opportunity to state their case and to have that considered as part of the overall process.

8. Community Safety Implications

- 8.1 The processes that are in place to govern the application procedures are designed to ensure that information is obtained that will satisfy the licensing authority as to the safety of granting or renewing a licence or that is appropriate to take action or otherwise in relation to a licence already granted.
- 8.2 Additionally the conditions attached to the grant of every licence are designed to ensure that there are no community safety implications and that the protection and wellbeing of the travelling public (the primary consideration for the licensing authority) is maintained.

9. Conclusion

- 9.1 Members are asked to consider the content of this report and to resolve to permit the policy to go out to consultation in accordance with the recommendation at paragraph 1.1.

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