



East Cambridgeshire District Council

Meeting: Licensing Committee

Time: 10:00am

Date: Wednesday 11th September 2024

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Cameron Overton

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Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan (Vice-Chair)
Cllr Julia Huffer (Chair)
Cllr Kelli Pettitt

Conservative substitutes

Cllr Ian Bovingdon
Cllr Bill Hunt
Cllr Alan Sharp

Liberal Democrat members

Cllr Charlotte Cane
Cllr Mark Inskip
Cllr John Trapp (Lead Member)
Cllr Alison Whelan
Cllr Gareth Wilson

Liberal Democrat substitutes

Cllr Chika Akinwale
Cllr Lorna Dupré
Cllr Caroline Shepherd

Lead Officer: Stewart Broome, Senior Licensing Officer

AGENDA

- 1. Apologies and substitutions** [oral]
- 2. Declarations of interests** [oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

- 3. Minutes** **[Page 4]**
To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 19 June 2024
- 4. Chair's announcements** **[oral]**
- 5. Gambling Act 2005 – Licensing Statement of Principles (Three Year Review)** **[Page 11]**
To approve the revised version of the Council's Gambling Act 2005 -Statement of Principles for Licensing.
- 6. Senior Licensing Officer's update** **[oral]**
- 7. Forward agenda plan** **[Page 47]**
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Notes

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal working hours you should report to the main reception desk. If you come to an evening meeting please enter via the door in the glass atrium at the back of the building.

Admittance is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcamb.gov.uk or 01353 665555) of their intention to attend a meeting.

The livestream of this meeting will be available on [the committee meeting's webpage](http://www.eastcamb.gov.uk/meetings/licensing-committee-04092023) (www.eastcamb.gov.uk/meetings/licensing-committee-04092023). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
 - the fire assembly point is in the front staff car park by the exit barrier
 - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked "oral".
5. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: translate@eastcamb.gov.uk

6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



East Cambridgeshire District Council

Minutes of a Meeting of the Licensing Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:00am
on Wednesday 19 June 2024

Present:

Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan
Cllr Julia Huffer
Cllr Bill Hunt (substitute for Cllr Christine Ambrose-Smith)
Cllr Kelli Pettitt
Cllr Alan Sharp
Cllr Caroline Shepherd (substitute for Cllr Charlotte Cane)
Cllr John Trapp
Cllr Alison Whelan
Cllr Gareth Wilson

Officers:

Stewart Broome – Senior Licensing Officer
Maggie Camp – Director Legal Services
Leah Mickleborough – Interim Senior Democratic Services Officer
Liz Knox – Environmental Services Manager
Angela Tyrrell – Senior Legal Assistant
Karen Wright – ICT Manager

There were no members of the public present

1. Apologies and substitutions

Apologies for absence were received from Cllrs Christine Ambrose-Smith and Cllr Mark Inskip

Cllr Bill Hunt was attending as a substitute for Cllr Christine Ambrose-Smith.

During this item, Cllr Caroline Shepherd arrived and confirmed that she was substituting for Cllr Charlotte Cane, who was unable to attend.

2. Declarations of interest

No declarations of interest were made.

3. Minutes

The Committee received the Minutes of the meeting held on 8th April 2024

It was resolved unanimously:

That the Minutes of the Licensing Committee meeting held on 8th April 2024 be confirmed as a correct record and be signed by the Chairman.

4. Chairman's announcements

The Chair welcomed everyone to the meeting and confirmed it was being livestreamed.

5. Gambling Act 2005 – Licensing Statement of Principles (three year review)

The Committee considered a report, Z13, previously circulated, that detailed the proposed changes to the Council's licensing statement of principles and sought approval for a revised draft document that would be subject to consultation.

The Senior Licensing Officer presented the report and reminded members of the legal requirements and process the Council had to go through to review the statement of principles. The Act required the review to be undertaken every 3 years.

The statement of principles covered three main activities; the licensing of betting shops and premises, gaming machines and organised lotteries. Although the July Course of Newmarket Racecourse is located in the District, the Gambling Act is not a major area of activity for the Council.

The Gambling Commission issues guidance for local authorities in operating their gambling licensing functions. There had been limited changes to the guidance since the previous statement of principles agreed in 2022. In 2023 the government had issued a white paper seeking to improve gambling control, but this had not moved forwards so did not need to be considered in the current revisions.

The Senior Licensing Officer explained that the changes proposed from the 2022 document had been outlined in Appendix 1, which were mostly to improve compliance with accessibility standards.

The Chair invited members to ask questions to the Senior Licensing Officer.

Councillor Whelan queried the district population figure given in the statement of principles, and it was agreed to review this to ensure its accuracy before the consultation document was finalised.

Councillors Trapp and Wilson queried the grammatical changes in the document. The Senior Licensing Officer confirmed that these were to comply with accessibility standards, but he would review all changes before it was finalised to ensure consistency throughout the document.

The Chair confirmed there were no further comments or questions to raise, and so it was resolved unanimously:

a) To approve the draft version of the Gambling Act 2005 – Statement of Principles for Licensing at Appendix 1

b) To agree a statutory public consultation taking place on the draft Statement of Principles for Licensing from 8 July 2024 to 19 August 2024 in accordance with the Gambling Act 2005.

1. Business and Planning Act 2020 – Pavement Licensing Policy update

The Committee considered a report from the Senior Licensing Officer (Z14, previously circulated). This highlighted that during Covid, a temporary pavement licensing scheme was introduced which had now become permanent. Due to the timing of regulations, officers had been required to use their delegated authority to update the pavement licensing policy and grant licences in accordance with this policy.

The main changes from the previous temporary policy were outlined. There was a longer period for objections to be received and licences to be determined, and licences would now last for 2 years. District Councils now had the power to remove unauthorised street furniture and could vary and revoke pavement licences if necessary.

The senior licensing officer drew members attention to the fee levels. Fees had to be set to cover costs, which included the administering and enforcement of pavement licences, dealing with enquiries and complaints, undertaking visits and contributing to overheads. The government had set a maximum fee level which was less than the costs to the Council of operating the scheme. The level of fees would be reviewed in future as part of the annual fee review each autumn.

Councillor Wilson questioned whether the pavement licensing policy also covered street furniture on markets. The Senior Licensing Officer confirmed that the policy applied to furniture located on the highway connected to a primary food led business and gave examples of this. Whilst some aspects of markets are subject to separate legislation, if there was concern a market trader was locating furniture on the highway, the application of the pavement licensing policy could be reviewed. Councillor Wilson went on to ask where pavement licences had been granted, which the Officer confirmed.

Councillor Trapp sought clarity on the level of fees the Council would be charging. The Senior Licensing Officer confirmed that the fees would be set at

the allowable statutory maximum, being £500 for an initial application and £350 for a renewal application. The information in the report demonstrated that this was justified, as the Council's costs were higher than the maximum fee allowed.

Councillor Shepherd asked whether concerns or objections were received about pavement licences. The Senior Licensing Officer outlined that objections to licences tended to relate to perceived nuisance concerns. There is the potential for the Council to vary the licence and put in mitigating conditions, such as requiring safety measures to be put in place and limiting numbers of seating. Overall, there had been a low number of complaints. Councillor Shepherd also sought to understand whether the Council could vary licence fees for particularly complex cases, however the Officer clarified this was not feasible. The Council uses the annual review of licence fees to assess time spent and costs incurred.

With no further questions, the Committee **NOTED:**

- a) The amendments made under delegated powers to the Pavement Licensing Policy.
- b) The amendments made under delegated powers to the level of fee to be charged for a new and a renewal pavement licence application.

2. Senior Licensing Officer's update

The Committee received a verbal report from the Senior Licensing Officer which updated on the outcome of a number of court cases. This included the successful prosecution of an individual for animal welfare abuses under the Animal Welfare Act 2006, and the successful defence against two appeals by taxi drivers. The Senior Licensing Officer was pleased the Council's policies were working effectively.

3. Forward agenda plan

The Committee received its Forward Agenda Plan. The Senior Licensing Officer indicated that there were no substantive items for the meeting scheduled in July.

It was resolved:

That the Forward Agenda Plan be noted and the Committee scheduled in July be cancelled.

The meeting concluded at 10:37am

Chair.....

Date.....

**TITLE: GAMBLING ACT 2005 – LICENSING STATEMENT OF PRINCIPLES
(THREE YEAR REVIEW)**

Committee: Licensing Committee

Date: 11 September 2024

Author: Stewart Broome, Senior Licensing Officer

Report number: Z53

Contact officer:

Stewart Broome, Senior Licensing Officer

stewart.broome@eastcambs.gov.uk, 01353 616287, SF208, The Grange, Ely

1.0 Issue

- 1.1 To approve the revised version of the Council's Gambling Act 2005 - Statement of Principles for Licensing for Council adoption.

2.0 Recommendations

- 2.1 That Members consider the content of this report and approve the revised version of the Gambling Act 2005 - Statement of Principles for Licensing, subject to such amendments that they consider appropriate having considered the content of this report.
- 2.2 That Members recommend the approved Gambling Act 2005 - Statement of Principles for Licensing to full Council for adoption to come into effect on 31 January 2025 following a period of publication to be not less than 28 days.

3.0 Background/Options

- 3.1 The draft Statement of Principles of Licensing (**Appendix 1**) was prepared and approved for formal public consultation by Members of the Licensing Committee on 19 June 2024.
- 3.2 The formal consultation took place between 16 July 2024 and the 27 August 2024. No consultee responses were received.
- 3.3 The consultation document removed capitalised headings in order to comply with accessibility standards, updated the figure relating to the population of the District, and replaced date references to the reflect the correct dates; these are shown as tracked changes in **Appendix 1**. No other changes were made at this review point.

4.0 Arguments/Conclusions

- 4.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of Principles for Licensing that they propose to apply in

exercising their functions under the 2005 Act during the three-year period to which the policy statement applies.

- 4.2 Regulations and the Statutory Guidance to Licensing Authorities, issued by the Gambling Commission specifies the scope and content of the Statement of Principles for Licensing.
- 4.3 The attached draft Statement of Principles for Licensing at **Appendix 1** is in line with these requirements.
- 4.4 Failure to approve a revised policy before 31 January 2025 will result in the inability to determine applications under the 2005 Act until such time as a policy is approved and published.
- 4.5 The consultation exercise did not attract any positive or adverse comments, and for that reason, Members are recommended to recommend Council to adopt these changes in their entirety, as per the consultation document.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications	Legal Implications	Human Resources (HR) Implications
Yes	Yes	No
Equality Impact Assessment (EIA)	Carbon Impact Assessment (CIA)	Data Protection Impact Assessment (DPIA)
Yes	No	No

Financial and legal implications

- 5.2 There is a cost incurred by the Council due to the costs of convening the necessary hearings to determine this statutory process, and the cost of running the necessary consultation, however, this cost is largely recovered via the licence fees paid by those holding and applying for licences.
- 5.3 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 5.4 Further to paragraph 5.3, an Equality Impact Assessment has been completed, and there are no identified impacts created by the recommendations in this report.

6.0 Appendices

- 6.1 Appendix 1 – Draft 2025 Statement of Principles of Gambling

7.0 Background documents

Gambling Act 2005

5th Edition: Gambling Commission Statutory Guidance for Licensing Authorities



East Cambridgeshire District Council

Gambling Act 2005~~AMBLING ACT 2005~~

Statement of Principles~~TATEMENT OF PRINCIPLES~~



Published: tbc
Effective: tbc
Version number: 7
Date of expiry: 30 January 2028

Foreword~~OREWORD~~

This is the ~~seventh~~^{sixth} Statement of Principles produced by East Cambridgeshire District Council under the Gambling Act 2005, and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31 January 202~~5~~².

The Gambling Act 2005 created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These authorities are responsible for issuing a number of different permits as well as temporary and occasional use notices.

The Statement of Principles sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the ~~D~~istrict and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

The Statement of Principles will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

Summary of 76th Revision

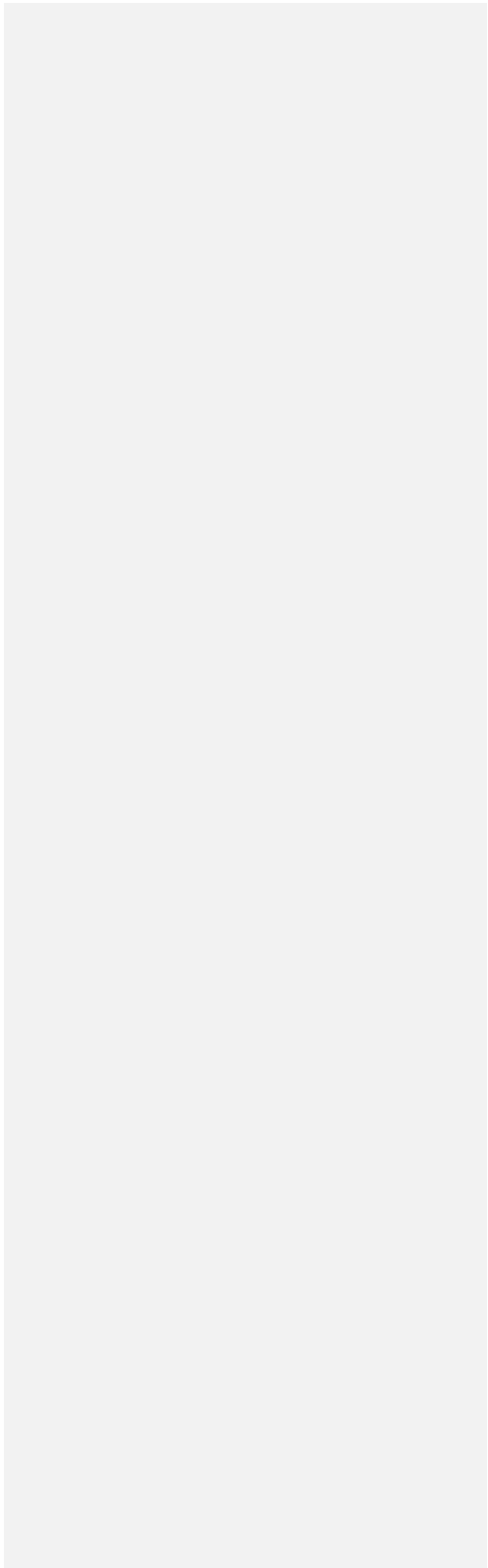
The matters dealt with by this revision are as follows:

- ~~1) Updated population figure for the District~~~~Amendment of paragraph 16.17 to reflect Social~~
- ~~2) Dates changed throughout the document to reflect the period this statement version will cover.~~
- ~~3) Removal of capitalisation of headings where possible/ appropriate to conform with accessibility requirements.~~
- ~~2) Responsibility Code Provision 3.5.6 regarding self-exclusion schemes in Local Risk Assessments~~
- ~~3) Paragraph on premises inspections inserted as paragraph 13.6~~
- ~~4) Definition of a track inserted as paragraph 24.1~~
- ~~5) Definition of a day added to paragraph 32.3 regarding OUNS~~
- ~~6) Updated organisational contact details in Annex B~~

The list of those consulted can be found on page 27.

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Part AART-A

1.0 INTRODUCTIONIntroduction

1.1 This Statement of Principles sets out the principles East Cambridgeshire District 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 licensed premises for gambling under the Act, as well as:

- designating the body responsible for advising the Licensing Authority on the protection of children from harm;
- determining whether or not a person is an 'Interested Party';
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2.0 The Licensing Objectives

2.1 In exercising most of its functions under the Act, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 The Licensing Authority notes that the Gambling Commission has stated that 'the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

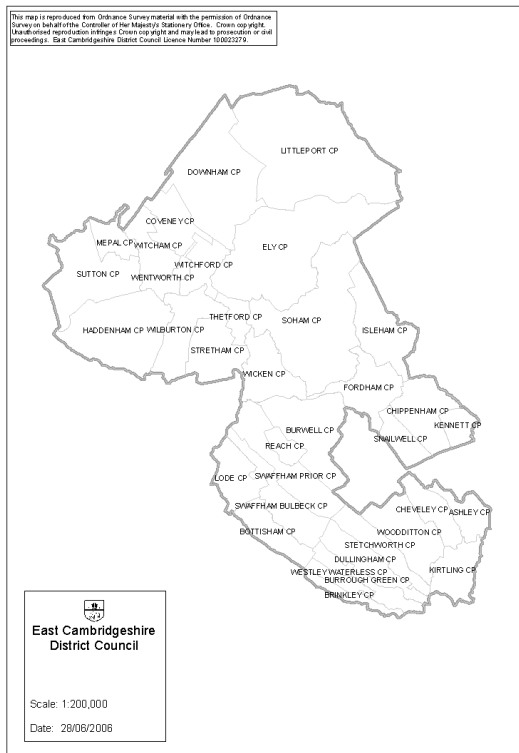
2.3 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) requires gambling premises to undertake a local risk assessment taking into consideration the local information. More information can be found on page 13 starting at section 16.12.

3.0 Description of the District

3.1 East Cambridgeshire District Council is one of five District Authorities and one Unitary Authority that make up the County of Cambridgeshire. It has a population of approximately 894,700 (mid 2018² est.) and covers an area of almost 65,500 hectares. The District is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East. The District has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. -Close to Cambridge, the District enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

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Map of East Cambridgeshire District.



4.0 Responsibilities under the Act

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- 4.1 The Act introduced a licensing regime for commercial gambling to be conducted by the Gambling Commission and by licensing authorities, depending on the matter to be licensed.
- 4.2 The Act establishes 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. East Cambridgeshire District Council is the Licensing Authority for the East Cambridgeshire District.
- 4.3 The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in adult gaming centres and family entertainment centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or

- promote a lottery.

4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt small society lotteries.

4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Licensing Authority's Statement of Principles.

4.6 Before the Licensing Authority can determine an application for a premises licence, an operating and personal licence, or both, must have been obtained from the Gambling Commission.

5.0 Statement of Principles

5.1 The Licensing Authority is required by the Act to publish a Statement of Principles containing the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Statement'. This Statement must be reviewed and published every three years. The Statement must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Statement must then be published.

5.3 This Statement of Principles takes effect on 31 January 2025~~2~~.

6.0 Consultation

6.1 In producing this Statement, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Licensing Authority chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex A.

6.2 The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

6.3 The other groups and people consulted were:

- Organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Social Services;
- Other tiers of local government;
- Businesses who are holders of GA05 premises licences;
- Responsible authorities under the Act.

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6.4 The Licensing Authority's consultation took place between ~~16 July 2024~~^{30 July 2021} and ~~27 August~~^{10 September 2} 2024²⁰²¹.

7.0 Approval of Statement of Principles

7.1 This Statement was approved at a meeting of the full Council on ~~10c21 October 2024~~ and was published via its website. Copies are available on request.

7.2 It should be noted that this Statement does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the statutory requirements of the Gambling Act 2005.

8.0 Declaration

8.1 In this Statement the Licensing Authority declares that it has had regard to the licensing objectives of the Act, formal Guidance issued to licensing authorities by the Gambling Commission and any responses from those consulted during the consultation process.

8.2 The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Impacts Needs Assessment Scheme.

8.3 Any information and guidance contained within this Statement of Principles is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005 or the Guidance or Regulations issued under the Act.

9.0 Responsible Authorities

9.1 A full list of the responsible authorities designated under the Act and their contact details are given in Annex B. It should be noted that under the Act, the Licensing Authority is designated as a responsible authority.

9.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the licensing authority;
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates Cambridgeshire Local Safeguarding Children Board, for this purpose.

10.0 Interested Parties

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

'... a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

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- 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).'

10.2 Licensing authorities are required by Regulations to state the principles they will apply in exercising their powers under the Act to determine if a person is an interested party. The principles are:

- Each case will be decided upon its own merits. This Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission Guidance to Licensing Authorities.
- The Licensing Authority will also consider the Gambling Commission Guidance that 'business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

10.3 Interested parties can be persons who are democratically elected, such as **D**istrict and **P**arish **C**ouncillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the **C**ouncillor/MP represents the ward likely to be affected. Likewise, **P**arish **C**ouncils likely to be affected will be considered to be interested parties.

10.4 District Councillors who are members of the Licensing Committee will not qualify to act in this way.

10.5 Other than those parties listed in 10.3, this authority will generally require written evidence that a person or body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.

10.6 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 10.1 (a) or (b) above.

10.7 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

11.0 **Exchange of information**

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

- Provisions of the Gambling Act 2005, which include the provision that the Data Protection Act 1998 will not be contravened;
- Guidance issued by the Gambling Commission;
- Data Protection Act 1998;

- General Data Protection Regulation (GDPR) will be observed
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- 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.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail, which will include:

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

12.0 Public register

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13.0 Compliance and enforcement

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton review of regulatory inspections and enforcement and endeavour to be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The authority must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme, based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Gambling Commission, in particular at Part 36 of the Act;
- the principles set out in this statement of principles.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions it authorises.

13.4 The Gambling Commission is the enforcement body for operating and personal licences. Concerns about the manufacturer, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

13.5 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.

13.6 The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken. Where the Licensing Authority considers a multi-agency approach may be beneficial, it will contact the Commission in the first instance to agree if this is appropriate, this also includes any planned test purchase operations, to ensure that these do not conflict with any other ongoing investigations.

14.0 Licensing Authority functions

14.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- issue club machine permits to commercial clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where there are more than two machines;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;
- receive and endorse temporary use notices (TUNs);
- receive occasional use notices (OUNs);
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- maintain registers of the permits and licences that are issued under these functions.

14.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

14.3 It should be noted that licensing authorities are not involved in spread betting activities, which are regulated by the Financial Conduct Authority.

Part B
Premises Licences: Consideration of applications

15.0 Delegation of powers

15.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found at Annex C.

16.0 General principles

16.1 Premises licences are subject to the requirements set out in the Act, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude or amend default conditions and also attach others, where it is considered appropriate.

16.2 **Decision making**

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the user of premises for gambling in so far as it considers it is:

- in accordance with any relevant code(s) of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

16.3 The Licensing Authority is aware that in accordance with Gambling Commission Guidance to Licensing Authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences', except as regards any 'no casino resolution'.

16.4 **Definition of premises**

The Act defines 'premises' as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building could be reasonably regarded as being different premises. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the Guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

16.5 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).

16.6 The Licensing Authority takes note of the Gambling Commission's Guidance to licensing authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and is aware that:

- the third licensing objective seeks to protect children from being harmed by gambling, which in practice means not only preventing them from taking part in gambling, but also

preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the premises licence.

16.7 The Licensing Authority is aware that Gambling Commission Guidance provides relevant access provisions for each premises type and suggests a list of factors to be considered during the application process. The Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

16.8 Premises ready for gambling

An application can only be made where the applicant holds an operating licence with the Gambling Commission, or has a pending operating licence application with the Gambling Commission for the premises licence type they wish to submit to the Licensing Authority and they also have a legal right to occupy the premises they wish to licence. If the applicant does not yet have a right to occupy their chosen premises, and/or the premises is under construction, an applicant may wish to apply for a provision statement instead to judge whether a development is worth taking forward (see section 17).

16.9 Plans

Regulations state that plans must show the location and extent of any part of the premises used for gambling. Applicants will be expected to provide plans which are sufficiently detailed to enable the Licensing Authority to determine it will be compliant with the s153 principles of the Gambling Act 2005.

16.10 Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

16.11 Demand

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

16.12 Location

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

16.13 With regards to these objectives it is the Council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- the size of the premises and the nature of the activities taking place;
- any levels of organised crime in the area.

16.14 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives, if an application is to be refused. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have

policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

16.15 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

16.16 The Council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

16.17 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected, and in the case of all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must include a self-exclusion scheme. The Licensing Authority would consider it desirable to have a self-exclusion scheme where one is not formally required.

16.18 Other matters that the assessment may include:

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

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

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

16.21 Duplication with other regulatory regimes

The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though, listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

16.22 When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

16.23 Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the following will be considered:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime**
The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Act.

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

Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

- **Ensuring that gambling is conducted in a fair and open way**
The Gambling Commission does not generally expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way. 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 such circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

The Licensing Authority will consider this licensing objective on a case by case basis to determine if specific measures are required at particular premises including tracks.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The Licensing Authority will consider if specific measures are required at particular premises with regard to this licensing objective.

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.

The Licensing Authority will consider this licensing objective on a case by case basis.

16.24 Conditions

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

premises or class of premises, such as buildings subject to multiple premises licences, the Licensing Authority may consider attaching individual conditions related to the licensing objectives.

16.25 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed premises suitable as a gambling facility;
- necessary to promote the licensing objectives;
- 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.

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

- proof of age schemes;
- CCTV;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

16.27 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

16.28 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with Guidance issued by the Gambling Commission, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

16.29 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the licensing objectives can be effectively met.

16.30 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences. These are:

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

16.31 Door supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by door supervisors and is entitled to impose a premises licence condition to this effect.

16.32 Where it is decided that supervision of entrances/machines is appropriate for particular cases, the Licensing Authority will consider if the door supervisors are required to be SIA licensed or not. The Licensing Authority will not automatically assume that all door supervisors need to be SIA licensed, as it is aware that the statutory requirements for door supervision for different types of premises vary.

16.33 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

16.34 Betting machines

The Licensing Authority will, in line with Gambling Commission Guidance, 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 (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

16.35 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

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

16.37 Nothing contained in paragraphs 16.34 to 16.36 is intended to override the provisions of section 172 of the Gambling Act 2005 to provide gaming machines under the authority of a Premises Licence.

17.0 Provisional statements

17.1 Developers may wish to apply to the Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is

worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises is constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

17.6 In addition, the Licensing Authority may refuse the 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 statement application stage;
- which in the Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

18.0 Representations and reviews

18.1 Representations and applications for a 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 appropriate. For the purpose of exercising its discretion in these matters, the Licensing Authority has designated the Council's [Director \(Legal Services\)](#) ~~Head of Legal 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;

- based on grounds that will certainly not cause the Licensing Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence;
- substantially the same as previous representations or requests for a review;
- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives.

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

19.0 Adult gaming centres

19.1 Entry to an adult gaming centre is age restricted to persons aged 18 years and over.

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

20.0 (Licensed) Family entertainment centres

20.1 Entry to a (licensed) family entertainment centre 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 take account of any conditions applied to an operating licence in respect of such premises.

21.0 Casinos

21.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

21.2 Casinos and competitive bidding

The Licensing Authority is aware that where a licensing authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators wishing to run a casino. In such situations the Licensing Authority will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this statement of licensing policy was adopted this area had not been so enabled.

21.3 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 a licence condition to a betting premises licence or to a casino premises licence where betting is permitted in the casino. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things will 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.

21.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on decided on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

21.5 Credit

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

22.0 **Bbingo Pperemises**

22.1 Entry to a bingo premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

22.3 **Credit**

Credit facilities are prohibited in premises licensed for bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

23.0 **Bbetting premises**

23.1 Entry to a premises where betting takes place other than at a track, previously known as a licensed betting shop, is age restricted.

23.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

24.0 **Ttracks**

24.1 S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Licensing Authority considers the mention of 'other sporting event' should be interpreted widely, and could therefore, include for example football, cricket, or golf.

24.2 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

24.3 In line with Guidance issued by the Gambling Commission, the Licensing Authority will especially consider the impact upon the third licensing objective, the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

24.4 The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- proof of age schemes;
- CCTV;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

24.6 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement for four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded.

24.7 Betting machines

The Licensing Authority will, in line with Part 6 of the Gambling Commission Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

25.0 Travelling fairs

25.1 The Licensing Authority is responsible for deciding whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, and that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

25.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses the East Cambridgeshire District boundaries is monitored so that the statutory limits are not exceeded.

Part ~~A~~ C
Permits/~~T~~emporary or
Occasional use notices/~~R~~egistrations

26.0 General

26.1 Forms, method of application, definitions and any additional information required for permits covered by this section are available as separate guidance and information documents.

27.0 Unlicensed family entertainment centre gaming machine permits

27.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of licensing principles

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

- a basic Disclosure and Barring (DBS) or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises; and
 - suspected truant children.

28.0 Gaming machine permits in alcohol licensed premises

28.1 There is provision in the Act for premises licensed to sell alcohol under part 3 of the Licensing Act 2003 for consumption on the premises to automatically have two gaming machines of categories C and/or D. To use this entitlement the premises licence holder needs to give notice to the Licensing Authority of the intention to make gaming machines available for use and pay the prescribed fee.

28.2 Gaming machines can be located on premises for which a licence for the sale by retail of alcohol or supply of alcoholic liquor for consumption on the premises has been issued. Such premises must have a bar for serving customers.

28.3 Premises restricted to selling alcohol on the premises only with food have no entitlement for the provision of gaming machines on the premises.

28.4 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- 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;
- the premises are mainly used for gaming; or

- an offence under the Act has been committed on the premises.

28.5 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the gaming machines. Measures will cover such issues as:

- gaming machines being in sight of the bar;
- gaming machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- appropriate notices and signage; and
- as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the provision of information, leaflets/help line numbers for organisations such as Gamcare.

28.6 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.

28.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

29.0 Perize 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 Disclosure and Barring (DBS) or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises; and
 - suspected truant children.

29.2 In making its decision on an application for a permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

30.0 Club gaming and club machine permits

30.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.

30.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

30.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

30.4 Before granting the permit the Council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

30.5 The Council may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

30.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the Council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming,
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

31.0 Temporary Use Notices ~~EMPORARY USE NOTICES (TUNStuns)~~

31.1 The organisations designated to receive TUNs and to issue objections are:

- Licensing Authority;
- Gambling Commission;
- Cambridgeshire Constabulary;
- HM Commission for Revenues and Customs;
- if applicable, any other licensing authority in whose area the premises are situated (if the premises crosses the border between two licensing authority areas).

31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. TUNs can only be issued for equal chance gaming.

31.3 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days in any 12 month period by giving a notice in respect of different parts.

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

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

32.0 **Occasional Use Notices (OUNs)**

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32.1 Occasional Use Notices (OUNs) apply only to tracks. Tracks need not be a permanent fixture.

32.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a full betting premises licence for the track.

32.3 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that a statutory limit of eight (8) days in a calendar year is not exceeded. A day is defined as midnight to midnight, and not simply 24 hours across 2 days. A separate OUN is required for each day.

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

32.5 The person designated to receive and validate OUNs is the Environmental Services Manager. A copy of the OUN must be served on the Chief Officer of Police for the District for which the OUN has been served.

33.0 **Small society lotteries**

33.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

33.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

33.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in East Cambridgeshire District Council and want to run such lottery.

33.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

33.5 To be 'non-commercial' a society must be established and conducted:

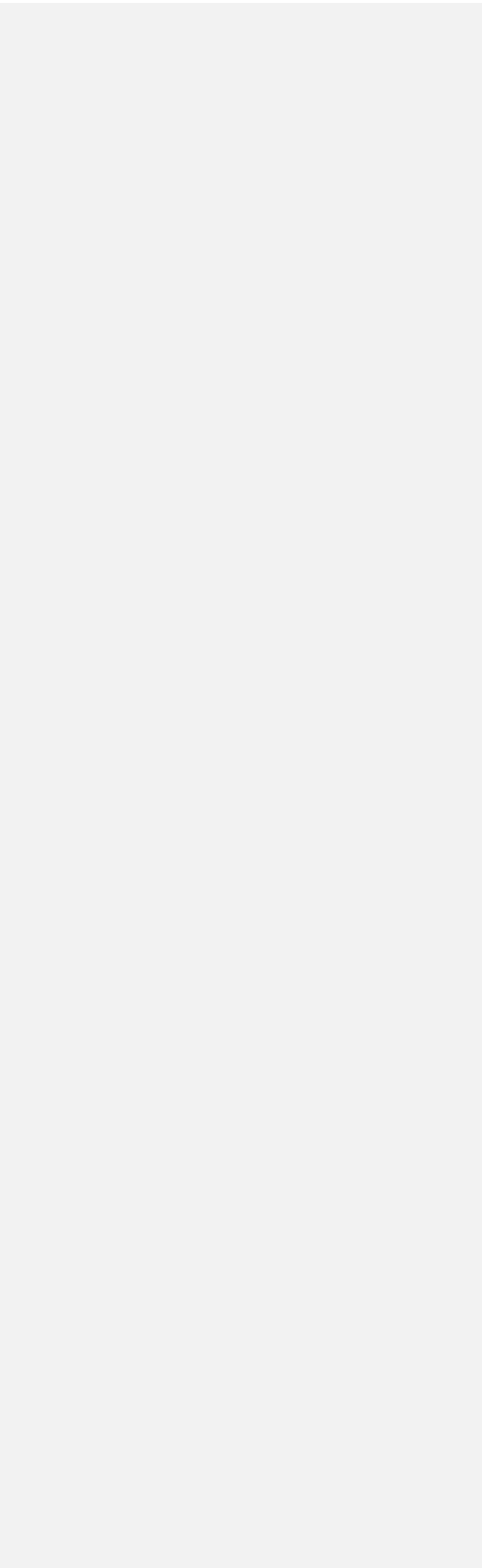
- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

33.6 The other types of exempt lotteries are 'incidental lotteries' (formally known as incidental non-commercial lotteries), 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries, please visit the licensing pages at www.eastcambs.gov.uk.

33.7 The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993. A small society lottery requires registration with the Licensing Authority.

34.0 **Useful contacts**

The Gambling Commission maintains a list of useful contacts of organisations involved in gambling, some of which provide codes of practice on their particular interest area. Their contact details can be found on the Gambling Commission's website www.gamblingcommission.gov.uk



List of consultees – Annex A

Cambridgeshire Constabulary

Cambridgeshire Fire and Rescue Service

Cambridgeshire Local Safeguarding Children Board

Primary care trust

East Cambridgeshire Community Safety Partnership

East Cambridgeshire District Council Environmental Health (Domestic)

East Cambridgeshire District Council Health and Safety Authority

East Cambridgeshire District Council Planning Authority

Gambling Commission

HM Revenue and Customs

Parish, Town Councils

District Councillors

Members of the general public

National bodies representing the gambling and licensed trade

ECDC Premises Licence holders

Local support, faith, and help groups and organisations

Responsible authorities – Annex B

ORGANISATION	CONTACT AND ADDRESS
Cambridgeshire Constabulary	Licensing Section Chief of Police (Licensing) Cambridgeshire Constabulary Parkside Police Station Parkside Cambridge CB1 1JG Tel: 101 Email: licensing@cambs.pnn.police.uk
Cambridgeshire Fire and Rescue Service	Cambridge Fire & Rescue Service Cambridge Fire Station Parkside Cambridge Tel: 01223 376201 Email: danny.hans@cambsfire.gov.uk
Local Safeguarding Children Board	Email: Safeguardingboards@cambridgeshire.gov.uk
Planning Authority	Principal Development Control Officer Development Control The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: plservices@eastcambs.gov.uk
Environmental Health Domestic Section	Senior Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: domlicenceconsult@eastcambs.gov.uk
Environmental Health Health & Safety	Senior Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: foodandsafety@eastcambs.gov.uk
HM Revenue & Customs	HM Revenue & Customs 12 th Floor Alexander House Victoria Avenue Southend-on-Sea Essex SS9 1BD
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Email: info@gamblingcommission.gov.uk

Table of delegations of licensing functions – Annex C

Matter to be dealt with	Full council	Sub-committee	Officers
Three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

Agenda Item 7

Licensing Committee Annual Agenda Plan

11 September 2024 10:00am

Report deadline: 30 August 2024

Agenda despatch: 3 September 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Gambling Act – Policy consultation responses	Stewart Broome, Senior Licensing Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

20 November 2024 10:00am

Report deadline: 8 November 2024

Agenda despatch: 12 November 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Review of Licensing Fees	Stewart Broome, Senior Licensing Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

Lead officer: Stewart Broome, Senior Licensing Officer

Democratic Services Officer: Cameron Overton

9 October 2024 10:00am

Report deadline: 27 September 2024

Agenda despatch: 1 October 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

11 December 2024 10:00am

Report deadline: 29 November 2024

Agenda despatch: 3 December 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

22 January 2025 10:00am

Report deadline: 10 January 2025

Agenda despatch: 14 January 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

12 March 2025 10:00am

Report deadline: 28 February 2025

Agenda despatch: 4 March 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer

12 February 2025 10:00am

Report deadline: 31 January 2025

Agenda despatch: 4 February 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

14 May 2025 10:00am

Report deadline: 1 May 2025

Agenda despatch: 6 May 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

