



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **LICENSING COMMITTEE**
TIME: 9:30am
DATE: Wednesday 11th April 2018
VENUE: Council Chamber, The Grange, Nutholt Lane, Ely
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes
DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcamb.gov.uk

Membership:

Conservative Members

Cllr Elaine Griffin-Singh (Chairman)
Cllr Chris Morris (Vice Chairman)
Cllr Michael Allan
Cllr Mike Bradley
Cllr Paul Cox

Cllr Neil Hitchin
Cllr Julia Huffer
Cllr Carol Sennitt
Cllr Alan Sharp
Cllr Stuart Smith

Liberal Democrat Member

Cllr Sue Austen
(Spokesperson)

Lead Officer:

Liz Knox, Environmental Services Manager

Quorum: 5 Members

A G E N D A

1. **Apologies**
2. **Declarations of Interest**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
3. **Minutes**
To receive and confirm as a correct record the Minutes of the Licensing Committee Meetings held on 10th January 2018
4. **Chairman's Announcements**
5. **Gambling Act 2005 Licensing Statement of Principles – Three Year Review**

6. **Local Government (Miscellaneous Provisions) Act 1982 – Post Implementation Review of Street Trading Policy 2016**
7. **Licensing Officers Update**
8. **Forward Agenda Plan**

NOTES:	
1.	All interested parties attending this Licensing Sub-Committee Hearing will be collected from the Reception area at The Grange, Ely just prior to the commencement time for the meeting.
2.	The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60.
3.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none"> ▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts. ▪ The fire assembly point is in the front staff car park by the exit barrier. ▪ This 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 of this area.
4.	Reports are attached for each agenda item unless marked “oral”.
5.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail:</p> <p>translate@eastcambs.gov.uk</p>
6.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>“That the press and public be excluded during the consideration of the remaining items no. 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 there would be disclosure to them of exempt information of Categories XX Part I Schedule 12A of the Local Government Act 1972 (as Amended).”</p>



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 10th January 2018 at 9.35am.

PRESENT

Councillor Elaine Griffin-Singh (Chairman)
Councillor Paul Cox
Councillor Julia Huffer
Councillor Chris Morris (Vice Chairman)
Councillor Carol Sennitt
Councillor Alan Sharp
Councillor Stuart Smith

OFFICERS

Councillor Lorna Dupré
Lin Bagwell – Licensing Officer (Enforcement)
Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Adrian Scaites-Stokes – Democratic Services Officer

OTHERS PRESENT

Mr Zeki Yasan – Applicant
Mr Tom Gunn – Supporter
Mr Duncan Foyle - Objector
Mrs Wendy Foyle - Objector
Mr Peter Hunter – Objector
Mrs Kelly Munden – Objector
2 Members of the Public

30. **APOLOGIES**

Apologies for absence were received from Councillors Sue Austen and Mike Bradley.

31. **DECLARATIONS OF INTEREST**

There were no interests declared.

32. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 13th December 2017 be confirmed as a correct record and be signed by the Chairman:

33. **DETERMINATION OF AN APPLICATION FOR CONSENT TO TRADE FROM A LOCATION DEFINED AS A CONSENT STREET IN ACCORDANCE WITH THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

The Committee considered a report, S212 previously circulated, detailing the application from Mr Zeki Yasan, supporters' comments and objections submitted.

The Chairman welcomed everyone to the meeting and introductions were made. The procedures were then listed and the Chairman then asked the Applicant whether he had received the report.

Mr Yasan explained that his English was poor and that Mr Tom Gunn would be speaking on his behalf. Mr Gunn acknowledged that the report had been received.

The Licensing Officer (Enforcement) advised the Committee that Mr Yasan had applied to trade as a fast food outlet, from a mobile van, in Sutton within set times on a Consent Street, as fully detailed in Appendix 1 to the report. A consultation had taken place relating to the application, which had resulted in 6 valid objections, as shown in Appendix 2, and 9 valid comments supporting the application, as shown in Appendix 3.

Following a previous aborted attempt by Mr Yasan to set up a fast food outlet, Sutton Parish Council had given permission for this new application on a 6 month trial basis, subject to daily removal of the mobile van and agreement by this Council.

In considering this application the Committee had to have regard to relevant legislation, Council policies and environmental risk factors. Under Council policies permission was normally granted unless there were significant reasons not to. The Committee could grant permission with the standard conditions, with variations to those conditions, with reasonable restrictions or could refuse permission. Permission could be given for a maximum of 12 months or for a shorter period. There was no right of appeal against any decision made.

The Applicant was asked whether the report was accurate and his supporter confirmed that it was.

Councillor Alan Sharp asked what powers Sutton Parish Council had to allow this application. The Licensing Officer (Enforcement) explained that the car park, where the mobile van would set up, belonged to the Parish Council so it

had been necessary for the applicant to obtain its consent. However, the applicant could not trade there until given permission by this Council.

Councillor Elaine Griffin-Singh asked whether the applicant had already been trading. If permission was granted for 12 months could it be revoked earlier? If it was revoked for that site could the applicant trade elsewhere instead or would he have to re-apply? The Committee was informed that the Applicant had not already been trading and it would be illegal for him to trade anywhere else. Providing he removed his mobile van daily the Parish Council was happy to agree to a 6 month trial.

The Chairman invited Mr Hunter to address the Committee.

Mr Hunter stated that he was a resident living near the proposed site of the mobile van and had lived there for 30 years. The kebab van would be a source of food so it would smell. Due to the predominant wind direction, the smells would blow across to his dwelling. This would devalue his property. He liked to sit out in his garden but the van would be within 100 to 150 yards of his property. If this application was granted it would impact the whole area. The establishment it was next to was a sports and amenities facility, so was for the wellbeing and health of the people of Sutton. Would giving permission for this application for a fast food amenity be the right thing to do? Why did Sutton Parish Council turn down the previous application due to noise, litter and parking concerns but then pass it if the van was moved every day? If people parked on the spaces that the van would occupy did that mean that the van would have to move elsewhere? Would the space be cordoned off, resulting in no parking in those spaces? The entrance to the establishment was on a bend, opposite school gates, and was therefore dangerous. Having the fast food van on site would encourage more traffic, which was not a good idea.

Councillor Stuart Smith assumed the British Legion establishment held events with music, noise and food smells and asked if that caused issues. Mr Hunter stated that there had been no problems, but this application was a different scenario.

In response to Councillor Alan Sharp's queries, Mr Hunter acknowledged that a few people from the British Legion would use the van. The food outlet could not control vehicles coming into the car park. What would happen if this opened as a retail outlet? After-school clubs were open until 6pm, so the car park was busy.

Mr Hunter stated that the car park consisted of between 40 to 50 car parking spaces and at around 4:30pm it was usually $\frac{1}{2}$ to $\frac{2}{3}$ full, but got fuller as the evening progressed.

The Chairman then invited Mrs Munden to address the Committee.

Mrs Munden lived right by the British Legion and had three small children. Previously a burger van had operated on the site, which had lead to anti-social behaviour, litter in the garden, teenagers making noise, drug abuse, alarms being set off and anti-social driving.

The Chairman then invited Mr Duncan Foyle to address the Committee.

Mr Foyle lived next door to Mrs Munden and his house would be 35 metres from the van. This would produce noise and smell pollution 4:30pm to 10pm 6 days a week, so he would not be able to use his garden due to this. The Parish Council had stated that this would be a new business, but hot food was not appropriate for this site. Both times a burger van had used the site it had resulted in excessive noise, smells and problems with parking. More cars would be attracted, which would not be good. There had been problems before through drugs use and vandalism. The fast food van would not bring any benefit to the village and would only add aggravation.

Councillor Julia Huffer noted that the Parish Council had been mentioned, so asked why it had changed its mind? Mr Foyle thought that the Parish Council had rejected a permanent outlet but had accepted a mobile one. The residents were not spoken too about this application. People had taken to social media to show their support for the application but older people tended not to use social media. . The Bowls Club did not want the food van. The site was the centre of the village and it would lose its identity if this application was allowed.

Councillor Carol Sennitt asked whether the previous burger van had been licensed. Mr Foyle stated that it had not been. People had objected to it, so it had left. It had generated additional rubbish.

The Chairman explained that there had not been a scheme in place to licence such enterprises at the time, as it did not start until 2016. The Chairman then asked whether the Applicant had any questions for any of the objectors. There were no questions asked.

The Chairman then allowed Councillor Lorna Dupré to address the Committee.

Councillor Lorna Dupré stated that she was not a member of Sutton Parish Council but explained that the Parish Council had not granted the original application but had reconsidered. It had agreed to a trial period of 6 months, provided the van was removed daily. It could not guarantee the parking space for the van, but that was not an issue for the Licensing Committee to consider, only the Applicant and Parish Council. It was not clear what would happen if there were no spaces available. The remuneration for operating this facility had not yet been agreed. The previous problems caused by the previous burger van could be mitigated by relevant conditions. There were problems in that area with anti-social behaviour investigated by the Police. It was noted that advertising flyers had been distributed before consent had been granted. The concerns about attracting heavy goods vehicles were wrong, as the car park was on a narrow road and was small. The proposed operating hours were a concern, as after school clubs finished around 4:30pm when the trading hours were suggested to start. The van would have to be there earlier to set up, but how long would be needed? Some temporary time limit could be made.

The Parish Council had agreed to a 6-month trial period, so the Committee might want to consider a period no longer than that, so they could terminate at the same time. If any issues were raised, such as anti-social behaviour or noise, then the licence could be revoked.

There had been strong opposition from residents but also some strong support. Even though Sutton did not have a good level of facilities, the van would not regenerate the village but would be another amenity for it.

The Legal Services Manager asked whether the anti-social behaviour relating to the previous van had ceased once it had moved. Councillor Lorna Dupré was not convinced that all the problems in that area related to the burger van. The site was not the centre of the village but a place where people congregated, including gatherings of youngsters. So the two were not connected, but the additional attraction might be unhelpful.

The Chairman then invited the Applicant's supporter, Mr Tom Gunn, to address the Committee.

Mr Gunn stated that Mr Yasan was a professional who had been working in Ely for 10 years and had 20 years experience in the industry. He understood his responsibilities and had dealt with lots of customers from Sutton and Mepal, who had outlined the need for a burger van closer to them. Smells from the van would be governed by relevant legislation, so there would be filters in the van. No generator would be used, as power would be supplied by the Club, and therefore there would be no noise. The Parish Council had agreed to a 6-month trial period, to check the impact, and Mr Yasan would use this time to prove people wrong. Problems had been ongoing without a van on site. The car park was more dangerous when the after school clubs finished, as parents moved their cars in and out. Heavy goods vehicles were not expected to use the new facility due to the poor entrance to the site.

Councillor Elaine Griffin-Singh asked why the Parish Council had changed its mind. Was it because it had discussions with Mr Yasan over the issues of smell, noise and litter? Concern was expressed over the advertising already done and it was questioned where the off-site advertising was.

Mr Gunn believed that had been the case. Litter bins would be provided, though it was everybody's responsibility to dispose of rubbish properly. Previously Mr Yasan had used a static van but now it was a mobile one. Only a leaflet had been produced and some social media. There would be no sign at the entrance.

Councillor Julia Huffer asked how long it would take to set up and clear away afterwards. Mr Gunn reckoned Mr Yasan would be on site from 4pm until 10:30pm.

Councillor Paul Cox queried whether there would be some fixture near the van for its power or whether cables would be used, which could be a hazard. Mr Gunn revealed that Mr Yasan had previously used cables, but they would be safe and out of the way and would not cause a problem.

Councillor Alan Sharp questioned what would happen if the usual space was unavailable. What was the responsibility of the operator to keep the area tidy? Why had this site been chosen, as there might be suitable sites elsewhere? Mr Gunn replied that the Parish Council had not yet been spoken to, but it was

hoped they would designate a spot. The Applicant was happy to put out litter bins in the car park and do whatever was necessary to keep the site tidy. Previous attempts had been made to set up at the garage and recycling area but they were not viable. The Parish Council had offered this location and the Social Club had agreed to it.

Councillor Chris Morris was concerned about the finishing time at Christmas and thought closing at midnight would be more sympathetic to the neighbours. The Senior Licensing Officer advised the Committee that the British Legion applied for different opening hours on special days, which was why the application included the times suggested.

The Legal Services Manager asked the Applicant whether he thought he had a fair hearing. Mr Yasan accepted he had and stated he understood his responsibilities.

The Legal Services Manager asked the objectors if they considered the hearing fair. Mr Hunter then commented that the Committee had to explore its conscience, as Sutton lived on the borders of Fenland District Council who, it was understood, had considerable health issues in their area and therefore these should be debated. The Committee had the power to control food outlets.

The meeting adjourned at this point, so the Committee could deliberate its decision, so the Applicant, supporter and objectors left the meeting, at 10:40am.

The meeting reconvened at 12:02pm with all participants, excluding Mr Hunter, returning to the meeting.

The Chairman explained that the Committee had taken its time in full discussion and debate when considering the report and all submissions. The decision was then read out. The Chairman stated that the Committee had recognised the need to minimise the inconvenience to residents whilst also acknowledging the submissions of the supporters in making this decision.

The Legal Services Manager said that a full decision notice would be issued.

It was resolved:

- (i) That the application as applied for be refused:
- (ii) That the application be granted with the following variations:
 - Operating hours would be every Thursday, Friday and Saturday from 6:00pm to 10:00pm;
 - Operating hours for Christmas Eve would be 6:00pm until 12:00am;
 - .Operating hours for New Years Eve would be from 6:00pm until 1:00am;
 - The licence would be granted on a 6-month trial basis and be subject to a review and may be revoked at any time;
 - Standard Condition 23 to be amended to state that the applicant shall ensure the Brookland's car park is cleared of any litter that

may have emanated from their business activity prior to leaving the site at the close of business.

The meeting closed at 12.05pm

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 11 th April 2018 9:30am		Meeting on: 16 th May 2018 9:30am		Meeting on: 20 th June 2018 9:30am	
Deadline for reports/dispatch: 29 th March 2018		Deadline for reports/dispatch: 4 th May 2018		Deadline for reports/dispatch: 11 th June 2018	
<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update Gambling Act 2005 Policy * 	S Broome S Broome	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update 	S Broome	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update 	S Broome

* From 2018-19 Service Delivery Plan

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 18 th July 2018 9:30am		Meeting on: 19 th September 2018 9:30am		Meeting on: 21 st November 2018 9:30am	
Deadline for reports/dispatch: 9 th July 2018		Deadline for reports/dispatch: 10 th September 2018		Deadline for reports/dispatch: 12 th November 2018	
<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update 	S Broome	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update 	S Broome	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update 	S Broome

* From 2018-19 Service Delivery Plan

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 12 th December 2018 9:30am		Meeting on: 16 th January 2019 9:30am		Meeting on: 27 th February 2019 9:30am	
Deadline for reports/dispatch: 3 rd December 2018		Deadline for reports/dispatch: 7 th January 2019		Deadline for reports/dispatch: 18 th February 2019	
<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update Proposed Fees and Charges * 	<p>S Broome</p> <p>S Broome</p>	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update Adoption of New Updated Gambling Act Policy 	<p>S Broome</p> <p>S Broome</p>	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update 	<p>S Broome</p>

* From 2018-19 Service Delivery Plan



East Cambridgeshire District Council

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES 2019

Published: TBC
Effective: 31 January 2019

FOREWORD

This is the fifth 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 2019.

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 district 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 5th Revision

The matters dealt with by this revision are as follows:

- 1) Removal of 'non-commercial' from 'incidental non-commercial lottery' in section 33.6 to reflect the change made by The Legislative Reform (Exempt Lotteries) Order 2016.

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

<p>EAST CAMBRIDGEHIRE DISTRICT COUNCIL</p> <p>GAMBLING ACT 2005</p> <p>STATEMENT OF PRINCIPLES</p>

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PART A

1.0 INTRODUCTION

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.

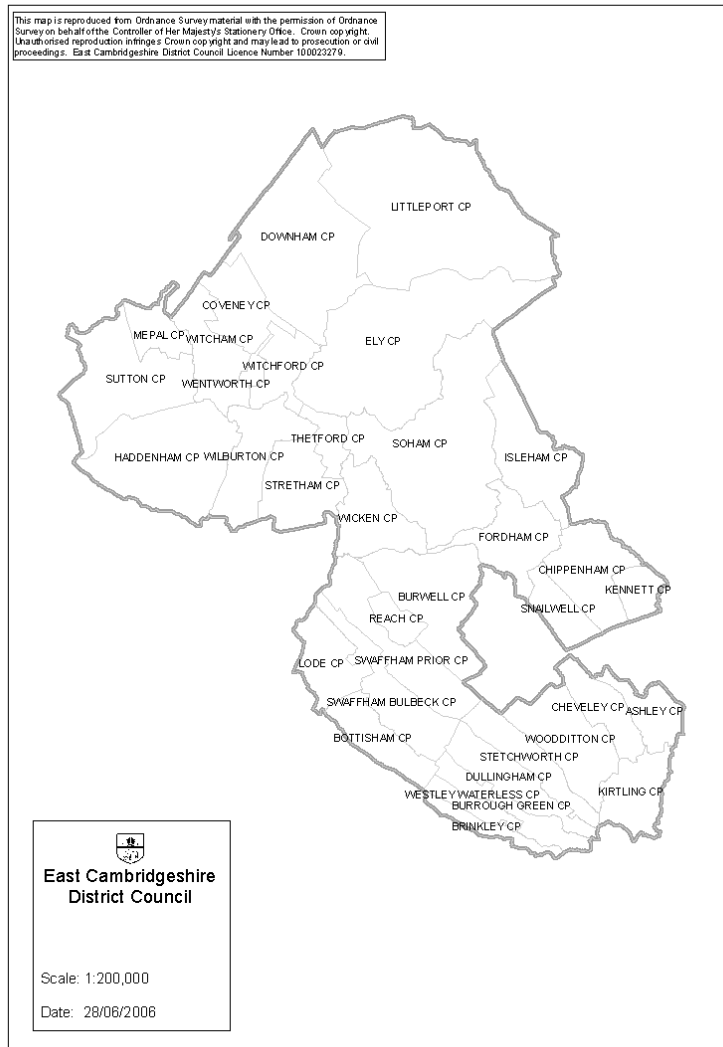
2.2 The Licensing Authority notes that the Gambling Commission has stated that ‘the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling’.

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 84,700 (mid 2012 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.

Map of East Cambridgeshire District.



4.0 **RESPONSIBILITIES UNDER THE ACT**

- 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 consider an application for a premises licence, an operating and personal licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF 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 2019.

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, or will be, holders of premises licences;
- Responsible authorities under the Act.

6.4 The Licensing Authority's consultation took place between 1 May 2018 and 30 June 2018.

7.0 APPROVAL OF STATEMENT OF PRINCIPLES

7.1 This Statement was approved at a meeting of the full Council on 18 October 2018 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:

- 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 district 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, parish councils 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;
- 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.

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.

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 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 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

Guidance issued by the Gambling Commission states that a licence to use a premises for gambling should only be issued in relation to a premises that the Licensing Authority can be satisfied is going to be ready to be used for gambling in the reasonably near future and is consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if it needs alteration, or if the applicant does not yet have a right to occupy it, then an application for a provisional statement should be made instead.

16.9 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the Licensing Authority will determine applications on their merits, applying a two-stage consideration process:

- whether the premises ought to be permitted to be used for gambling;
- whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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. 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.

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;
- 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.

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.

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 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 BINGO PREMISES

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 BETTING 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 TRACKS

24.1 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.

24.2 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.

24.3 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.

24.4 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.

24.5 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.

24.6 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 C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

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 Criminal Records Bureau 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 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 Records Bureau 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 (TUNs)**
- 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)

- 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.
- 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 Ely Police Station Nutholt Lane Ely CB7 4PL Tel: 101 Email: Ruth.sheehan@cambs.pnn.police.uk
Cambridgeshire Fire and Rescue Service	Cambridge Fire & Rescue Service Cambourne Fire Station Back Lane Upper Cambourne CB23 6FY Tel: 01954 714037 Email: danny.hans@cambsfire.gov.uk
Local Safeguarding Children Board	LSCB Administrator 7 The Meadows Meadow Lane St Ives PE27 4LG Tel: 01480 373522 Email: LSCB@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: karen.see@eastcambs.gov.uk
Environmental Health Health & Safety	Senior Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: jenny.winslet@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

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	Gambling Act 2005 – Statement of Principles for Licensing
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date EIA Completed:	23/3/2018

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

(a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The Licensing Authority has a statutory duty to produce and review a Statement of Principles for Licensing under the Gambling Act 2005 every three years or sooner if deemed necessary in order to issue permissions under the Act.

(b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Persons wishing to conduct gambling activities in the district.

(c) **Is the EIA informed by any information or background data (quantitative or qualitative)?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

No. However, a full consultation will take place and the results of the consultation will be passed to the licensing committee.

(d) **Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics?** (please tick all that apply)

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or

need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

N/A

- (e) Does the policy have a differential impact on different groups?

NO

- (f) Is the impact *adverse* (i.e. less favourable)?

NO

- (g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?

NO

- (h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.

No. Policy amendments purely legislative. Public consultation will be held between 1 May 2018 and 30 June 2018.

* The Consultation Register is available to assist staff in consulting with the Council’s stakeholders.

- (i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

- (j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

None

- (k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	X
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

- (l) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

Completing Officer:	Stewart Broome	Date:	23/3/2018

	Liz Knox	Date:	23/3/2018
Head of Service:	_____	Date:	_____

GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW

COMMITTEE: LICENSING COMMITTEE

DATE: 11 April 2018

AUTHOR: SENIOR LICENSING OFFICER

[S281]

1.0 **ISSUE**

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

2.0 **RECOMMENDATION(S)**

2.1 That Members approve the draft version of the Gambling Act 2005 - Statement of Principles for Licensing at **Appendix 1**.

2.2 That Members agree to a statutory public consultation taking place on the draft Statement of Principles for Licensing from 1 May 2018 to 30 June 2018 in accordance with the Gambling Act 2005.

3.0 **BACKGROUND**

3.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under the 2005 Act. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act, and remains in force for a period of three years.

3.2 During the three year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met, or to reflect changes to national legislation.

3.3 Before any revisions may be made a formal consultation must take place. The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

- 3.4 This will be the fifth time the Council has reviewed the Gambling Act 2005 Statement of Principles for Licensing.
- 3.5 The results of the consultation exercise will be brought back to Licensing Committee on 19 September 2018 and then referred to Council on 18 October 2018 for approval to come into force on 31 January 2019. The policy must be published for 28 days prior to its coming into force on 31 January 2019.
- 3.6 The current policy has been in force since 31 January 2016 and it has proved to be very satisfactory at guiding applicants, and officers in the consideration and determination of applications. Due to this it has not been seen as necessary to make major changes to the policy at this point in time. The only change is the removal of 'non-commercial' from section 33.6 to reflect the amendment made to exempt lotteries by the Legislative Reform (Exempt Lotteries) Order 2016.
- 3.7 The Statement of Principles for Licensing attached at Appendix 1 has been drafted in line with the relevant regulations, and Gambling Commission guidance for Local Authorities.

4.0 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 applies.
- 4.2 Regulations and 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 2019 will result in the inability to determine applications under the 2005 Act until such time as a policy is approved and published.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no cost implications over and above the normal costs of administering the 2005 Act.
- 5.2 An Equality Impact Assessment (EIA) Initial Screening has been completed showing there is no adverse impact on the community.

6.0 APPENDICES

6.1 Appendix 1 Proposed draft Statement of Principles

6.2 Appendix 2 Equality Impact Assessment (EIA) Initial Screening

Background Documents

Location

Contact Officer

The Gambling Act 2005

Room SF208

Gambling Commission
guidance for Local
Authorities.

The Grange,
Ely

Senior Licensing Officer
(01353) 616477



APPENDIX 1

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

STREET TRADING POLICY

Effective: [4 April 2016](#) TBC

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1.0 Introduction

- 1.1 The aim of this policy is to set out East Cambridgeshire District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- Cambridgeshire Police;
 - Cambridgeshire Fire and Rescue;
 - Cambridge County Council highways department;
 - Existing licence holders;
 - Representatives of businesses and residents in the East Cambridgeshire district;
 - City, town and parish councils;
 - District Councillors
 - Ely Chamber of Commerce
- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy may be reviewed from time to time to take account of changes in legislation or government guidance.

Definitions of terms used in this policy

- 1.8 Within the terms of the East Cambridgeshire District Council's Street Trading Consent Scheme the following definitions apply:

1982 Act	The Local Government (Miscellaneous Provisions) Act 1982
The Council	East Cambridgeshire District Council
Street Trading	Selling or exposing or offering for sale of any article (including a living thing) in any street.
Street	i) Any road, footway, beach or other area to which the public have access without payment. ii) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street	A street in which street trading is prohibited without the consent of East Cambridgeshire District Council.
Consent	Consent to trade on a street issued by East Cambridgeshire District Council
Consent Holder	The person or company to whom the consent to trade has been granted to by East Cambridgeshire District Council.
Licensed Street	A street in which street trading is prohibited without obtaining a street trading licence from East Cambridgeshire District Council.
Prohibited Street	A street in which street trading is prohibited at all times.
Static Street Trader	A trader granted permission by East Cambridgeshire District Council to trade from a specified position
Mobile Trader	A trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
Authorised Officer	An officer employed by East Cambridgeshire District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2.0 Legislation and current provision

- 2.1 Street trading is governed by the 1982 Act. The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited streets: those which are not open to street traders
 - Consent streets: where street trading is prohibited without local authority consent
 - Licence streets: where trading is prohibited without a local authority licence.
- 2.2 At a meeting of Council held on 17 January 1984, it was resolved that Schedule 4 of the 1982 Act should apply to the East Cambridgeshire District Council area. Subsequent resolutions have been passed designating streets within the district as Consent and Prohibited streets in accordance with Schedule 4 of the 1982 Act. The Council does not have any streets designated as licensed streets.
- 2.3 Any person who wishes to trade on a Consent Street must obtain permission from the Council before they commence trading. Street Trading is not permitted on streets designated as Prohibited Streets at any time.
- 2.4 Annex 1 lists the streets in the district that are currently designated as Consent, and Prohibited streets. The Council may designate or re-designate streets from time to time, but must follow a strict process when doing so. This process includes a requirement to advertise the proposed change.

- 2.5 Street traders who serve hot or cold drink at any time between 11.00pm and 05:00am the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.6 Local Authorities can place conditions on any Consent they issue. The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 2.7 Traders may also be required to obtain planning permission or food registration if applicable to their application.
- 2.8 Street trading consent applicants must have a right to work in the UK. Applications will be refused where any of the applicants listed on the application form do not have this right.

2.8.9 The granting of consent to trade does not provide a right to occupy any land where consent to trade is obtained. The landowner retains the right to control the use of any land in their ownership.

Exempted activities

2.9.10 The Act makes certain activities exempt from the requirement to hold a Consent. These are:

- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
- d) News vendors selling only newspapers or periodicals
- e) Petrol filling stations
- f) Shops forecourts
- g) Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
- h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- j) Street Collections (covered by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916)

3.0 The licensing process and delegation of functions

- 3.1 This part of the document sets out how applications for street trading permissions in the East Cambridgeshire District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.
- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the relevant Licensing Committee for determination.

4.0 Applications for a street trading consent

Advice for new applicants

4.1 New applicants must be at least 17 years of age, and are advised to contact the Council, Cambridgeshire Constabulary and Cambridgeshire County Transport at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.

4.1.2 Street Traders wishing to trade from a static location in the East Cambridgeshire district area must obtain written permission from the landowner of where they are proposing to trade prior to submitting a street trading application.

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4.24.3 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission, or food registration approval.

4.34.4 Applications will be considered from organisers of Markets, Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

4.44.5 An applicant for the grant of a first time Consent should give a minimum of 90 days notice of application to allow time for a determination. It may be possible to obtain a Consent having given less than 90 days notice, but this cannot be guaranteed.

New Applications

4.54.6 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.64.7 Each application must be accompanied by the published application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the Consent is refused.

4.74.8 The following will also be required to be submitted with the application:

- Where the proposed street trading is from a fixed position, a copy of a map clearly identifying the proposed site position by marking the site boundary with a red line.
- Details of the proposed activity, including the nature of goods being sold, times and days of operations.
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- Where the proposed street trading is from a fixed position, written permission from the land owner of the proposed trading location
- Proof of right to work in the UK
- A Passport style photo of the applicant(s) endorsed as a true likeness by a person of professional standing.
- A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
- Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

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Processing of an Application

[4.84.9](#) On receipt of an application an acknowledgment will be sent to the applicant.

[4.94.10](#) An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.

[4.104.11](#) Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. [The scale of the consultation will be dependent upon the nature of the application, but may include the in particular the following organisations or persons will be consulted:](#)

- Cambridgeshire Constabulary,
- Cambridgeshire Fire and Rescue Service,
- Cambridge County Council highways department,
- Environmental Health
- Planning
- Ward, City, town and parish councils
- Property owners within 100metres who directly overlook the proposed location (static pitches only)
- Town centre manager

[4.144.12](#) Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the Consent. If representations are received, then the [relevant Licensing Committee](#) will be required to determine the application.

[4.124.13](#) More information on Member determinations can be found in the “Determination of application by [relevant Licensing Committee](#)” section on page 9.

Key Considerations

[4.134.14](#) The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.

[4.144.15](#) In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

- a) Public Safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
- b) Public Order
Whether the street trading activity represents, or is likely to represent a substantial risk to public order.
- c) The Avoidance of Public Nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
- d) Highway
The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council’s requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.
- e) Compliance with legal requirements
Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

[4.154.16](#) The Council will normally grant a Street Trading Consent unless, in its opinion:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

Departure from Policy

4.164.17 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.

4.174.18 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

4.184.19 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. Members of the determining Committee, or the Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she/they consider it necessary in the specific circumstances. In cases where the Environmental Services Manager departs from the policy he/she will advise Councillors of the action taken at the next available Licensing Committee.

Renewal applications

4.194.20 Renewal applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.204.21 Renewal applications will only be accepted where the trading location, trading days, and the nature of the goods being sold is identical to that of the Consent that is due to expire.

4.214.22 The following reduced list of supporting documents will be required to be submitted with a renewal application and the appropriate fee:

- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- A recent Passport style photo of the applicant(s)
- A recent photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.

4.224.23 Upon receiving a renewal application, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

4.234.24 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues, and all fees have been paid on time, the Consent will be renewed within 28 days of receipt.

4.244.25 Where there have been complaints or enforcement issues, or fees have not been paid on time, a renewal application may be referred to the [relevant Licensing Committee](#) for determination. For this reason, Consent holders are advised to submit their renewal application two months prior to the expiry date.

Transfer applications

4.254.26 A transfer application will only be accepted where the van, cart, barrow, other vehicle or stall from which trading is intended to take place by the proposed consent holder is the same van, cart, barrow, other vehicle or stall from which trading is currently taking place. No aspects of the Consent can be amended other than the consent holder's details.

4.264.27 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.274.28 Each application must be accompanied by the published transfer application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the transfer is refused. A refund of in advance fees will be provided to the previous consent holder. The new consent holder will be liable for in advance fees which must be settled before the transfer can be granted.

4.284.29 No consultation will take place, but the following will also be required to be submitted with the transfer application:

- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- A transfer consent form completed by the existing consent holder, or confirmation that the consent holder has passed away.
- [Proof of right to work in the UK](#)
- A Passport style photo of the applicant(s) ~~endorsed as a true likeness by a person of professional standing.~~
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.

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- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Determination of application by the relevant Licensing Committee

4.294.30 The Council's Licensing Committee and Licensing Sub-Committee ~~have~~ been established to consider applications in relation to licensing matters. Licensing Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Licensing Committee with regards to Street Trading is to determine applications to which objections have been made.

4.304.31 On receipt of a written objection arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing Committee.

4.314.32 Once arrangements have been made for the application to be heard by the Licensing Committee all parties will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.

4.324.33 A report will be produced by the Licensing Officer. Members of the Committee and the applicant will be provided with a copy of the report which will include the letters of objection. Further copies of the report will be made available on the day of the Committee.

4.334.34 The person submitting an application will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Committee will follow a set procedure that will be notified to all attending parties in advance of the meeting.

4.344.35 In determining an application the Licensing Committee will consider both the written word, and oral submissions relating to their application or representation, as well as the statement of fact from the Council's Licensing Officer.

4.354.36 Witnesses may be used, and supporting documentation may be submitted to the Licensing Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.

4.364.37 The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. A decision will be made on the day, and will be communicated to all parties within 5 working days.

4.374.38 The Licensing Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:

1. Considering each case on its own merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Ensuring that the rules of natural justice are applied in any hearings held.
4. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.

Refusals

4.384.39 Where an application is refused, reasons for refusal will be provided. The decision of the Officer or Licensing Committee is final. The 1982 Act does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary. The Council recommends taking legal advice prior to commencing any action following the refusal of a Consent application as legal costs may become payable.

Duration of consents

4.394.40 Consents will be issued for a period of up to one year. Fees will be payable per quarter in advance.

4.404.41 Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

4.414.42 A Consent cannot be transferred or sold to another person unless the Licensing Authority are informed by way of the proposed owner submitting a transfer application. In the event of the death or incapacity of the Consent Holder a member of the Consent holder's immediate family may apply for an interim Consent whilst the normal transfer is processed. For more information refer to the section on transfers.

4.424.43 The sub-letting of a pitch is prohibited.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every issued Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to the revocation or non renewal of Consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to specific consent conditions that are requested by Consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a Consent condition.

6.0 Fees

- 6.1 The 1982 Act permits a Council to charge reasonable fees for the grant and renewal of Consents. The level of fees applicable takes into account the duration of the Consent, the trading hours, location and the nature of the articles being sold. Details of the current fees can be found in annex 2 and on www.eastcambs.gov.uk. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a Consent refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual Consents should be accompanied by an application fee which is set at 10% of the annual fee. If the application is approved, the balance of the quarterly fee will be due in advance of the Consent being issued. If the application is not successful the application fee will be refunded. Daily consents must be accompanied by the full fee.
- 6.3 Reduced fees will be payable by organisers of:
 - Non-commercial fetes, carnivals or similar community based and run events. ¹
 - Non-commercial, civic, or charitable events. ¹

- Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- Sales of articles by householders on land contiguous with their homes.²

¹ In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.

² For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.

7.0 Markets, special events, commercial events, and individual trader one off daily permits.

- 7.1 The authorised weekly ~~Ely~~ markets held ~~throughout the week in Ely on a Thursday, Saturday and Sunday~~, the Christmas Food Flower and Craft held on or around the last Sunday of November, and the Christmas special market held on or around the 23 December are outside the scope of the street trading scheme. Trading at these events/markets ~~is~~ dealt with by the ~~Markets' Team~~ ~~Tourism and Town Centre Manager at of the Council~~. ~~More information is available on the Council's website.~~
- 7.2 For special events, and commercial events such as continental street markets, street fairs, craft shows, and events such as those mentioned in paragraph 6.3 above, the Council will issue one Consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. Applicants wishing to use this provision must provide at least twenty-eight days notice, and availability is strictly on a first come, first served basis.
- 7.3 The Council will require that the company produces a list of the individual traders before the trading day, and a signed declaration that the organiser is satisfied that all the traders hold the necessary insurances and certificates for the stall they are running.
- 7.4 Applications for markets, special events, and commercial events will be subject to a reduced consultation process than that required of normal annual consent applicants, however, determination may take up to the full 28 day limit.
- 7.5 Daily permits for individual traders wishing to trade on a consent street are available. The list of items in paragraph 4.7 must accompany an application, but when determining the application the consultation stage shall be omitted. No more than sixteen days of trading per ~~Consent Street~~ street, per trader/stall will be permitted under this provision per annum. All other considerations will be taken into account when determining an application. Applicants wishing to use this provision must provide at least ten clear working days notice, and availability is strictly on a first come, first served basis.

8.0 Enforcement

- 8.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and will work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 8.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.

- 8.3 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 8.4 The responsibility for the overall supervision of street trading lies with the Environmental Services Manager.

9.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team
East Cambridgeshire District Council,
The Grange,
Nutholt Lane,
Ely,
Cambridgeshire,
CB7 4EE

T: 01353 665555
E: licensing@eastcambs.gov.uk
Website: www.eastcambs.gov.uk

Annex 1 – Designated Streets

Consent Streets
All streets as defined by the 1982 Act with the exception of the prohibited streets listed below.
Prohibited Streets
Trunk Road A10 within the District Trunk Road A11 within the District Trunk Road A14 within the District

Annex 2

Current fees applicable to Street Trading Consents

Type of goods	Ely (central zone) daily consent fees		Annual	All other areas (daily consent fees)		Annual	Transfer
	Sun to Wed	Thurs to Sat		Sun to Wed	Thurs to Sat		
Clothing							
Electrical spares							
DIY products	£20	£30	£1040	£15	£20	£740	£48
Hot food and drink							
Furniture							
Records, CD's and DVD							
Household cleaning goods	£20	£30	£780	£15	£20	£480	£48
Books							
Fresh fish							
Fresh meat							
Fruit and Veg							
Delicatessen							
Flowers and Plants	£20	£20	£520	£15	£15	£320	£48
Ice-cream vendors							
Cakes/ Bakery							
Arts and crafts							
All other traders	£20	£30	£1040	£15	£20	£740	£48

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50.

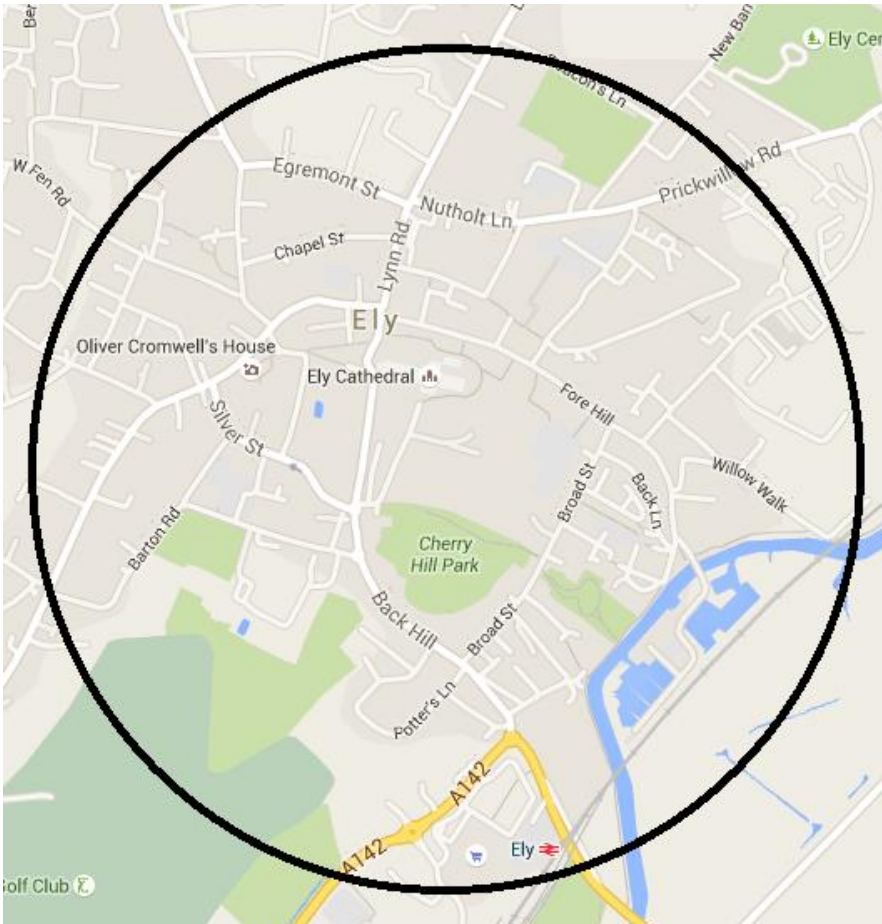
Special Events/Markets/Commercial Events

Number of stalls	Fee per day of the event
10 – 20	£100
21 – 40	£200
41 or more	£500

Events listed in paragraph 6.3

Fee per day of the event
£20

Ely central charging zone



Annex 3

Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-riden by the special conditions for special events/markets.

Standard Conditions

1. Definitions
 - i. 'street' includes –
 - a) any road, footway, beach or other area to which the public have access without payment, and
 - b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street
 - ii. 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the Consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The Consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the Consent.
15. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.

16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining property or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
24. A copy of the Consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.

30. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which Consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such Consent.
33. The holder shall notify the Environmental Services Manager at the Council Offices, The Grange, Nutholt Road, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
34. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
35. The Council may revoke the Consent at any time.
36. The holder will return the Consent to the Council immediately upon revocation or surrender.
37. In the event of the Consent being surrendered or revoked no refunds will be given. Where Consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund will be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Street Trades from any Council Land he/she shall indemnify the Council from and against all loss, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.²².
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls to be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation firearms, standard firearms, airguns, swords and crossbows)
44. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

Name of Policy:	Street Trading Policy
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date Initial Screening Completed:	23/3/2018

(a) What is the policy trying to achieve? i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

A framework to assist members of the public, Officers and Committee Members with regards to controlling street trading in the district.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

Persons who wish to sell goods, or hold events that will sell goods on controlled streets (as defined by the Local Government (Miscellaneous Provisions) Act 1982 within the district.
--

(c) Is this assessment informed by any information or background data? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Yes, previous consultation in 2015 and working with the policy
--

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply):

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion or Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

This policy affects all applicants and licence holders equally.

(e) Does the policy affect service users or the wider community?

YES

- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?

NO
NO
NO
NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: Stewart Broome **Date:** 23/3/2018

Head of Service: Liz Knox **Date:** 23/3/2018

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – POST IMPLEMENTATION REVIEW OF STREET TRADING POLICY 2016

COMMITTEE: LICENSING COMMITTEE

DATE: 11 APRIL 2018

AUTHOR: SENIOR LICENSING OFFICER

[S282]

1.0 ISSUE

1.1 To review and approve minor amendments to the Council's 2016 Street Trading Policy.

2.0 RECOMMENDATION(S)

2.1 That Members take note of the report and approve the minor amendments contained in paragraphs 4.10 (i) to (v) for immediate implementation.

3.0 BACKGROUND

3.1 The Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") allows local authorities to control street trading activities within their areas by designating streets as either consent streets, licence streets or prohibited streets. Where streets have been designated as consent or licence streets, a person wishing to trade in those streets can apply to the local authority for the necessary consent or licence (as appropriate). The local authority can place conditions on the grant of a licence or consent. Where a street has been designated as a prohibited street, then no street trading is permitted at any time.

3.2 In 2015 Members approved a resolution to re-designate all streets in the district as Consent Streets with the exception of the high speed A10, A11 and A14 trunk roads which were designated as Prohibited Streets. At the same time Members also approved a Street Trading policy to guide all parties on how to apply, manage and enforce the new scheme. These changes all came into effect on 1 April 2016.

4.0 SUMMARY

4.1 It has now been two years since the new designations and policy came into effect. The purpose of this report is to feedback to Members on how the new scheme has been working, and to ask Members to approve a few minor amendments to the policy to reflect changes which have occurred in the district in the past two years, and to modify a couple of points to help make the application process run smoother.

4.2 When the old system was in place Officers only authorised three street traders to trade in the district per annum, and the income from issuing these three street trading consents did not cover the costs of providing the service.

- 4.3 In addition to the above, Officers hadn't received a new application for a number of years, as the old scheme did not look to promote this area of licensing.
- 4.4 The following table illustrates the number of applications received in the year prior to adopting the new policy and the two years since the new scheme commenced:

Year	2014/2015	2016/2017	2017/2018
Annual Consent	3	10	12
Event Consents	0	19	9
Income	£2,220	£5875	£6230

- 4.5 The above table shows that the new scheme has been a success, with a significant increase in applications being received for annual static and mobile traders, as well as for one off street trading events.
- 4.6 Although the number of event consents has dropped in the present year when compared to the 2016/2017 period, the number of annual consents has increased. Event consents are very susceptible to variations much in the same way as the number of Temporary Event Notices under the Licensing Act 2003 fluctuates year on year, and is not something which is concerning Officers at this point in time.
- 4.7 The income now covers the cost of the service, and as a result the fees have not needed to be increased since they were established in 2016.
- 4.8 Although by and large the new scheme has been a resounding success, working with the new policy over the past two years has identified a couple of minor points which have made the application process more difficult than it needs to be, or suggest an inconsistency in practice. These are listed below:

- (i) The existing policy states applicants for annual consents must:
- Provide a Passport style photo endorsed as a true likeness by a person of professional standing.

This requirement has caused a lot of enquiries and delays. All applicants are required to submit ID documents to check that they have a right to work in the UK, Officers believe this requirement negates the need to have their photo endorsed.

- (ii) The existing policy fails to specifically mention the need to provide right to work documents even though the website and application forms do.
- (iii) The existing policy is not very clear on how consultations are carried out.
- (iv) The existing policy refers specifically to the Licensing Committee to be the determining Committee when objections are received. In all other licensing regimes the Licensing Sub-Committee is the determining committee.

- 4.9 In addition to the items mentioned in paragraph 4.8 above, in the period since the policy came into effect on 1 April 2016 occasions have arisen where Street Traders have made enquiries on applications for a static Street Trading licence without first seeking the consent of the landowner. For the avoidance of doubt, any Street Trader wishing to trade from a static pitch on an area of land, no matter where that area of land is situated, will need the written consent of the landowner as the granting of a consent does not constitute a consent to occupy the land.

For clarification and in order to avoid situations where licences are granted without the landowners knowledge or consent it is recommended that this policy clearly highlights the requirement for landowner consent to be sought, in writing, prior to the submission of an application for a static Street Trading licence.

- 4.10 As a result of the points raised in paragraph 4.8 and 4.9 above it is recommended that the following amendments are made to the existing policy:

- (i) A new paragraph to be inserted under section 2.8 stating:

“The granting of consent to trade does not provide a right to occupy any land where consent to trade is obtained. The landowner retains the right to control the use of any land in their ownership”

- (ii) A new paragraph to be inserted under section 4.1 stating:

“Street Traders wishing to trade from a static location in the East Cambridgeshire district area must obtain written permission from the landowner of where they are proposing to trade prior to submitting a street trading application.”

- (iii) A new bullet point to be inserted under paragraph 4.8 stating:

“Where the proposed street trading is from a static position, written permission from the land owner of the proposed trading location.”

- (iv) A new bullet point to be inserted under paragraph 4.8 and 4.29 stating:

“Proof of right to work in the UK.”

- (v) All references to requiring a Passport photo to be endorsed shall be removed.

- (vi) Paragraph 4.11 to be amended to the following to make it clear that different applications will be subject to differing levels of consultation:

“Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. The scale of the consultation will be dependent upon the nature of the application, but may include the following organisations or persons:

- (vii) All references to the Licensing Committee being the determining committee to be replaced with the words relevant Committee.

4.11 Point (iv) above will enable either the Licensing Committee or the Licensing Sub-Committee to determine applications with objections as is the case with all other application types, subject to compliance with the Council's constitution.

5.0 CONCLUSION

5.1 The decision to re-designate the streets in the district, and create a new policy has been very successful. It has enabled officers to control street trading whilst at the same time enabling more legitimate traders to commence trading. The budget deficit for this area of licensing has been resolved and when called upon Members have been able to use the policy to guide their decision making process.

5.2 All policies are live documents, and the minor amendments suggested are simply the result of working with the policy in the real world. The small number of suggested amendments and the nature of the suggested amendments illustrates how effective the initial document has been.

6.0 FINANCIAL IMPLICATIONS

6.1 The proposed changes in this document will not cause a detrimental impact on any consent holder, and so no consultation is considered necessary. Due to this there are no financial implications other than Member and Officer time which is already budgeted for.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

7.0 APPENDICES

7.1 Appendix 1 Draft amended Street Trading Policy 2018

7.2 Appendix 2 Equality Impact Assessment (EIA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Local Government (Miscellaneous Provisions) Act 1982	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477

LICENSING OFFICERS UPDATE

COMMITTEE: LICENSING COMMITTEE

DATE: 11 APRIL 2018

AUTHOR: SENIOR LICENSING OFFICER

[S283]

1.0 **ISSUE**

1.1 To update Members of the Licensing Committee on the work of Officers.

2.0 **RECOMMENDATION(S)**

2.1 For information purposes only.

3.0 **SUMMARY**

Taxi Rank update

3.1 Officers are pleased to announce that the taxi rank improvement works have been completed. The works were managed by the licensing section and no complaints were received from the trade or members of the public.

Animal Licensing – Legislation updates

3.2 Further to my presentation on the proposed animal welfare licensing reform given in December, Defra have now presented their “Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018” to Parliament, with a proposed commencement date of October 2018. It will now be subjected to parliamentary scrutiny which may see some changes being made, but by and large the draft legislation covers all the points we expected. Further updates will come before Members as and when they are available.

Departmental Work

3.3 The following tables illustrate the applications dealt with, the number of inspections conducted, and the number of suspension notices issued by the licensing section between 27 September 2017 and 12 March 2018 compared to the same period in 2016/2017.

Applications

Licence type	Number 16/17	Number 17/18
Taxi driver	92	86
Taxi vehicle	98	85
Taxi operator	7	12
TEN's	92	117
New and varied premise licences	15	18
Animal welfare licences	44	44
Personal licences	28	19
Small lottery licences	7	4

Other	7	57
DPS and transfers of premise licences	25	29
DBS criminal record applications	40	25
TOTAL	455	496

Inspections

Inspection type	Number 16/17	Number 17/18
Complaint	1	6
Enforcement	32	9
Routine	66	51
Re-visit	7	1
Pre-application	12	0
TOTAL	118	67

Suspensions

Suspension notice type	Number 16/17	Number 17/18
DBS	8	0
Medical	2	0
Annual fee	1	9
Vehicle non-compliance	21	0
Number of notices becoming active	7	3

Taxi driver – enforcement action	5	2
Taxi vehicle – MOT failures	6	2

Service delivery plan

- 3.4 The service delivery plan results for the 17/18 period was presented to Regulatory Committee on Monday 19 March. All targets were met or exceeded with the single exception that two TENs out of a total of 274 were processed ½ day outside of the permitted timeframe for doing so. No detrimental impact was caused as a result of this delay.