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AGENDA

Committee:	LICENSING
Date and Time:	Thursday 22nd November 2018 at 7.30 p.m.
Venue:	Council Chamber
Membership:	Councillors E. Egan (Chairman), Acott, Blackwell, Mrs Blissett, Cross, Ms Drogman, Greig, Mrs Haunts, Isaacs, Ladzrie, MacLean, May, Palmer, Skipp, Taylor.
Officers attending:	Melanie Harris – Head of Licensing and Safer Communities
Enquiries:	Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**
A copy of the Minutes of the meeting held on 12th December 2017 is attached.
- 4. Preparation of the Gambling Licensing Policy Statement**
Report of the Head of Licensing and Safer Communities is attached.

LICENSING COMMITTEE

12th DECEMBER 2017

PRESENT: Councillors E. Egan (Chairman), Acott, Blackwell, Cross, Greig, Isaacs, MacLean, May, Mumford, Palmer, Taylor and Walter.

Councillor Riley also attended.

Apologies for absence were received from Councillors Bayley and Mrs Wass.

1. MEMBERS INTERESTS

There were none.

2. MINUTES

The Minutes of the meeting held on 8th March 2017 were taken as read and signed as correct.

3. LICENSING ENFORCEMENT POLICY AND SEX ESTABLISHMENT POLICY

The Head of Licensing and Safer Communities presented a new Licensing Enforcement Policy and a revised version of the Council's Sex Establishment Policy for the Committee's approval. Whilst there was no statutory duty to publish these policies it was considered best practice to do so as it offered guidance to applicants and the public on how the authority would exercise its powers and ensured consistency in the Councils decision making.

With regard to the Sex Establishment Policy, the Council had adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to regulate sex establishments such as sex shops, sex cinemas and sexual entertainment venues. The Policy attached at Appendix 1 had been revised in respect of one area, the age restriction under which patrons could enter premises. This had been changed from 21 years to 18 years to comply with age equality and to be non-discriminatory. Due to the similarities with the current policy and that there were no expected statutory changes affecting this regulatory area it was recommended that, if agreed, the revised policy have effect for 5 years instead of the previous 3 years.

With regard to the Licensing Enforcement Policy, it was explained that the Council exercised a wide range of licensing powers across numerous pieces of legislation many of which contained enforcement provisions such as offences for criminal conduct, power of entry and inspection to premises where licensable activities took place with or without licences. These powers were underpinned

by generic enforcement legislation such as the Police and Criminal Evidence Act 1984 and associated codes of practice.

The Enforcement Policy, attached at Appendix 2 to the report, contained guidance for licensed businesses and persons affected by unauthorised and or illegal practices on how the Licensing Department would exercise these regulatory powers. It also provided guidance on the factors that the Council would take into consideration when exercising its powers.

Resolved –

1. That the Council's Sex Establishment Licensing Policy, as shown at Appendix 1 to the Head of Licensing and Safer Communities report, be approved for a 5 year period from 13 December 2017.
2. That the Council's Licensing Enforcement Policy, as shown at Appendix 2 to the report, be approved for a 5 year period from 13 December 2017.

4. REVIEW OF LICENSING FEES

The Committee was requested to agree the fees associated with licensing applications to take effect from 1st April 2018.

Legislation stated that where a statutory or no fee was payable the authority could require a reasonable fee for the grant, renewal or transfer of a licence. The Local Government Association Guidance stated that a local authority was not permitted to raise revenue through licensing. It was also evident that one licensing area should not be subsidised by another. Therefore each aspect of the licensing functions must stand alone and meet its own costs. The cost of areas where no fee was payable was borne by the Council.

Taking into account the current income and expenditure levels of the Licensing Service the following fees were suggested:

Hackney Carriage and Private Hire

It was proposed that the fees for the Hackney Carriage and Private Hire operative remain unchanged from the current fees. A list of those fees were set out in detail in the report.

All drivers' licences were renewed on a 3 year basis and the income in 2018/19 was anticipated to be £55,000. This was divided equally between the 3 years which meant that during 2018/19 the proportionate income from drivers' licences was £18,333. It was stated that there would be a total income of £96,333 resulting in an estimated net expenditure deficit of £16,267 against a gross expenditure of £112,600 in 2018/19.

The fee for the Data Barring Service (DBS) was not included within the fee and was paid by the driver independently.

Licensed Premises – Licensing Act 2003

The current fees for alcohol licensing were set out in Appendix A to the report. The Government had set an annual fee for Premises and Club Premises although this had not been made in statute. It was anticipated that the income from these licences (including Premises Licences) in 2018/19 would be £46,500. This would result in a net expenditure deficit of £22,365 against the gross expenditure budget of £68,865.

Gambling Act 2005

The Government had set an annual fee for all gambling premises. The income from these licences was expected to be £13,500 in 2018/19. The estimated gross expenditure budget was £44,320 which would give the authority a net expenditure deficit of £30,820.

The maximum level of fees for gambling licences was set by Government. At present bingo clubs and betting shops were set by the authority at the maximum level. The fees for family entertainment centres and adult gaming centres were not as it was not considered appropriate to increase them to encourage business in the entertainment area of the seafront.

Scrap Metal Dealers Act 2013

It was proposed to charge the following fees from 1st April 2018:

Licence Type	Fee £
Site Licence	1,000.00
Renewal of Site Licence	500.00
Collector's Licence	400.00
Renewal Collector's Licence	200.00
Theft/loss change of name	50.00

Miscellaneous Licences Non Statutory

It was proposed to charge the following fees from 1st April 2018:

Licence Type	Fee £
Pleasure Boat Licence	200.00
Boatman's Licence	30.00
Sex Establishment	1,500.00
Renewal Sex Establishment	750.00
Street Trading Yearly	500.00
Plus per additional day/night per week	75.00
Street Trading Weekly	75.00

The fees had been set to enable a full cost recovery. It was anticipated the total income from other licensing would be £12,000 in 2018/19. In addition to

licences that incurred a fee the Licensing Department also provided administration and issued licences for a number of services which were free of charge such as House to House and Street Collections.

Following discussion it was:-

Resolved –

1. That the proposed revision of all the licensing fees as set out in the report of the Head of Licensing and Safer Communities be approved.
2. That the current fees for Hackney Carriage and Private Hire Vehicles remain unchanged.
3. That the statutory fees which are payable by applicants be noted.

5. HACKNEY CARRIAGE HIRE – NEW TABLE OF FARES

It was reported that a request had been received from the taxi trade to increase taxi fares. The Local Government (Miscellaneous Provisions) Act 1976 gave powers to the Council to set the fares that Hackney Carriage drivers charged to customers. The fares agreed by the Council were often used by operators to work out charges for pre-booked/private hire journeys. The last request for an increase had been granted by the Licensing Committee on 5th November 2011.

The current tariffs, proposed new fares and percentage increase were set out in detail in the report.

The Head of Licensing and Safer Communities stated that if the increase in fares was approved the Table of Fares (as set out in the report) would be subject to a public advertisement inviting objections to the proposals. If an objection was received the matter would be brought back to the Committee.

In response to questions from the Committee it was explained that the proposals had been put forward following consultation amongst the taxi trade, it was requested that the new tariff was implemented in March 2018, the fares in neighbouring local authority areas were already higher than in Castle Point and that the consultation period was for 28 days.

Following discussion it was:-

Resolved – That the proposed new fares, as set out in the report of the Head of Licensing and Safer Communities, be applied to the current tariff subject to:

1. The statutory consultation procedure being completed.

2. The new Table of Fares coming into force on a date to be fixed by the Head of Licensing and Safer Communities.
3. The detailed breakdown to be agreed with the meter agents.

6. LICENSING SERVICE – OVERVIEW OF RESPONSIBILITIES

The report gave an overview of the activities of the statutory Licensing Service provided by the Council during the previous 6 months. It showed in detail the various types of licenses, permissions and consents that had been issued by the Council and the number of applications that had been dealt with during that period.

With regard to Private Hire Vehicles (PHV) it was explained that under the Council's Constitution the Head of Licensing and Safer Communities had delegated authority to approve new and revised conditions and pre-licensing standards which had universal application for licence holders. In this regard the knowledge test for PHV had recently been removed.

Following representations which had been made to the Council by some licence holders the Head of Licensing and Safer Communities intended to undertake a further assessment of the requirement for a knowledge test by seeking the views of relevant parties. This assessment would include the fare paying public and other stakeholders. This action had been discussed and agreed with the Chairman of the Licensing Committee.

The Head of Licensing and Safer Communities had the power to reinstate the knowledge test if it was found to be in the interests of public safety and the raising of the standards which were required from Licence Holders. The Committee noted that the knowledge test had been retained for hackney carriages which could ply for hire or pick up passengers from a taxi rank. Private hire vehicles had to be pre-booked with the journey details being known to the driver before the hiring commenced.

A list of ongoing initiatives and projects that the Licensing Team were involved in were listed in the report and included joint enforcement visits with the Police to licensed premises and mandatory safeguarding training for taxi drivers.

In response to questions from Members regarding the removal of the knowledge test for Private Hire Drivers the Head of Licensing and Safer Communities stated that all drivers were still subject to DBS and medical checks and received regular training on disability awareness and safeguarding. It was also confirmed that no complaints had been received from members of the public since the changes had been implemented.

Following discussion it was:-

Resolved – That the Committee supports the action being taken by the Head of Licensing and Safer Communities to

administer the statutory licensing functions placed on the Council and to conduct a review into pre licensing standards as set out in the report.

7. MODERN DAY SLAVERY

The report set out in detail the effects of Modern Day Slavery and the Council's position on prevention.

The National Crime Agency estimated that there were over 10,000 potential victims of slavery in the UK today with potential victims recorded in 2016 coming from 108 different countries.

It was stated that some groups of people were much more vulnerable to slavery than others. People who lived in poverty and had limited opportunities for decent work were more vulnerable to accepting deceptive job offers that could turn exploitative. People who were discriminated against on the basis of race, caste, or gender were also more likely to be enslaved.

The Head of Licensing and Safer Communities reported that the Council had recently been part of a joint operation with the Border Force and Essex Police to eliminate modern day slavery and licensed premises in the Borough would continue to be monitored to ensure that the duty imposed on the Council under S.52 of the Modern Day Slavery Act 2015 was upheld.

The Licensing Team would give advice and guidance to applicants and liaise with partner agencies to ensure that the provisions contained in the Modern Day Slavery Act (2015) were upheld and intended to provide training and further information to all relevant Licence Holders.

Following discussion it was:-

Resolved – That the statement published by the Council to tackle Modern Day Slavery be endorsed and that the action taken by the Licensing Service to eradicate forced labour be commended.

Chairman

AGENDA ITEM NO.

LICENSING COMMITTEE

22nd November 2018

Subject: Preparation of the Gambling Licensing Policy Statement

Report of the: Head of Licensing and Safer Communities

1. Purpose of Report

- 1.1 Under the Gambling Act 2005, the Council's Statement of Licensing Policy must be reviewed every three years. The review must be completed and a revised policy statement published by 31 January 2019. This report presents a brief overview of the arrangements undertaken for the policy review.

2. Background

- 2.1 The current policy statement came into effect in January 2016. There is a statutory requirement under the Gambling Act 2005 to review the policy statement every three years. The Gambling Commission have instructed that all local authorities must prepare and publish the next policy statement by 3 January 2019, with it coming into force on 31 January 2019. The timetable to undertake the necessary legal formalities has been set accordingly.
- 2.2 There are prescribed procedures that the Council must undertake before the policy statement can take effect. This involves making the policy statement publicly available by a variety of means for a period of at least 4 weeks.
- 2.3 The policy statement must be adopted by full Council; this function cannot be delegated to either the Licensing Committee or Cabinet. The proposed policy statement must therefore be presented to Council on 12 December to allow sufficient time for the necessary publication to take place prior to 31 January 2019.
- 2.4 The policy statement has been revised to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:
- a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly rather than focussing on problem gambling alone. In this respect the revised policy statement emphasises the Council's focus on protecting children and vulnerable adults.
 - b) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Since April 2016 gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation.

3. Links to Corporate Priorities and objectives

- 3.1 The draft policy statement contributes directly towards the Council's priorities of *Transforming our Community* and *Public Health and Wellbeing*. The way in which it is applied will contribute towards the priority of *Efficient and Effective Customer Focused Services*.

4. Financial implications

- 4.1 There are minor financial implications associated with the recommendation in this report and a cost will be incurred to place the required public notice in the local newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published. The cost is recoverable through the licensing fee process.

5. Legal implications

- 5.1 The Gambling Act 2005 requires that the policy statement is reviewed every three years in order that it can reflect changes in law, guidance and codes of practice. It also specifies the list of statutory consultees.

6. Human Resources, Equality, IT/Asset Management Implications

- 6.1 The public sector Equality Duty pursuant to Section 149 of the Equality Act 2010 ("the Act") came into force on the 5th April 2011. The Equality Act 2010 (Age Exceptions) Order 2012 ("the Order") came into effect on the 1st October 2012. The Equality Duty requires the Council to consider how the decisions it makes and services it delivers affects people who share different "protected characteristics".
- 6.2 The local authority when reviewing its Gambling Licensing Policy Statement under the Gambling Act 2005 must have due regard for the need to eliminate unlawful discrimination, harassment, victimisation to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics includes age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The revisions proposed are in accordance with the equality framework for local government which describes how the local authority will fulfil its moral, social and legal obligations; this equality framework is closely linked to the Corporate Plan and to other strategies, policies and plans.

7. Timetable for implementation

The table below shows the formal schedule for the publication of the policy statement:

Action	Date due	Outcome
Draft revised policy statement	October 2018	Revised policy statement drafted
External consultation	12 October to 22 November 2018	Observations/comments received
Agreement and approval of the revised policy statement by the Licensing Committee	22 November 2018	Agreed for presentation to Council for final adoption
Policy statement to be agreed by full Council	12 December 2018	Full Council agreement obtained
Policy statement published	January 2019	Policy statement published

Recommendations:

1. To endorse the current action being taken to prepare and publish the Statement of Gambling Licensing Policy Statement.
2. To approve the revised Gambling Licensing Policy Statement.
3. To recommend to Full Council approval and adoption of the revised Gambling Licensing Policy Statement.

Resolution required.

Background Papers:

Gambling Act 2005
 Castle Point Gambling Licensing Policy Statement



DRAFT

**Gambling Licensing Policy
Statement**

2019-2022

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Draft v. Oct 2018

Foreword

~~This is the fifth Statement of Licensing Policy produced by Castle Point Borough Council under the Gambling Act 2005 and it forms the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority commencing after ratification by Council in July 2015 and over the next three years from 31st January 2019.~~

~~The new Act 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.~~

~~This policy sets out how the Council as the Licensing Authority will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.~~

~~The Council recognises how important this sector of the entertainment industry is within the Borough 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.~~

~~This policy is regularly reviewed and amended to reflect changes in legislation (latest update October 2018). The Council will seek through the licensing process and the decisions it takes to make Castle Point a safe and welcoming place for both residents and visitors to enjoy.~~

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Part A

1.0 Introduction

1.1 This Statement of Licensing Policy sets out the principles **by which** Castle Point Borough Council as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), **intends** to apply in discharging its functions to license premises for gambling under the Act as well as:

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

3.0 Description of the Borough

Castle Point Borough Council is in the County of Essex, which comprises of eleven District and Borough Councils, one City and two Unitary Authorities. The Borough of Castle Point is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of **approximately** 89,500 people ~~(as taken from the of the national statistics 2008).~~

Through the middle of the Borough runs Benfleet Creek, joining the mainland of Benfleet to the north and Canvey Island to the south. The area is largely urban with considerable open spaces and green belt.

There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs, betting shops, family entertainment centres, adult entertainment centres, amusements arcades and bingo halls. There are also a number of registered society lotteries.

There are several areas within the Borough that form part of the focal point for community life such as the seafront area of Canvey Island which provides amusement arcades.

Because of the nature of the Borough, premises and events that **are** licensed under the Act provide an essential contribution to the local economy of the Borough through tourism, cultural development and regeneration. **Outline map of the Borough:**



4.0 Responsibilities under the Act

4.1 The Act ~~has~~ introduced a ~~new~~ licensing regime for ~~commercial~~ gambling **which is to be** conducted by the Gambling Commission and by Licensing Authorities depending on the matter to be licensed.

4.2 ~~The Act establishes the Borough Council as the Licensing Authority~~ Castle Point Borough Council is the Licensing Authority for the area shown on the map whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.

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 **included** 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. In addition it is 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 Code of Practice **under Section 24 of the Act;**
- in accordance with any relevant Guidance issued by the Gambling Commission **under Section 25;**
- reasonably consistent with the Licensing Objectives and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

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 Licensing Policy

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

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

5.3 This policy takes effect from 31st January **2019 and replaces the previous one.**

6.0 Consultation

6.1 In producing this policy the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Appendix A. ~~A list of these other groups and persons consulted can be made available by request to the Licensing Department, Castle Point Borough Council, Council Offices, Kiln Road, Benfleet, Essex SS7 4TF.~~

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

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

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;~~
- ~~• Other tiers of local government;~~
- ~~• Businesses who are, or will be, holders of Premises Licences;~~
- ~~• Responsible Authorities under the Act.~~

6.3 Consultation took place between Thursday 11 October 2018 and Thursday 22 October 2018.

7.0 Approval of Policy

7.1 This reviewed policy was approved at a meeting of the full Council on 12 December 2018. Copies are available on the website or on request.

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

8.0 Declaration

8.1 ~~In this policy~~ The Licensing Authority declares that it has had regard to the licensing objectives, formal guidance issued to Licensing Authorities and any responses 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 Race Equality Scheme and the Disability Equality Scheme.

8.3 ~~Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations issued under the Act.~~

9.0 Responsible Authorities

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 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 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 the Essex County Council Children's and Adult's Safeguarding Boards for this purpose.

9.4 There has been an increasing awareness of the problems in society generally connected with Child Sexual Exploitation. It is the Authority's opinion that Safeguarding of both children and vulnerable adults is everyone's responsibility and that gambling premises should be vigilant in this regard. Operators should have in place appropriate Safeguarding measures and should seek appropriate advice where necessary to ensure that they are aware of both national and local issues, best practice and/ or priorities.

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 a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

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

10.2 Interested Parties can be persons who are democratically elected such as Borough and Town Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Town Councils likely to be affected will be considered to be Interested Parties.

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

10.4 Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

10.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

10.6 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.

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

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

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:

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

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

~~Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. An audit trail should 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/McCrory reviews of regulatory inspections and enforcement and endeavour to be:~~ **This requires that actions should be:**

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

- 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. **All enforcement action is taken having regard to the Licensing Enforcement Policy.**

- 13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act ~~will be~~ **is** to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. ~~It is also worth noting that Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.~~

- 13.4** The Licensing Authority will keep itself informed of developments as regard the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

- 13.5** Bearing in mind the principle of transparency the Licensing Authority's enforcement/compliance protocol or written agreements will be available on request. ~~Details of the risk based approach to inspection will also be available upon request.~~

~~Details of this information will be available on the Council's website: www.castlepoint.gov.uk~~

- 13.6** As part of its ongoing inspection regime the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the tests. Where operators carry out their own test purchasing the Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will in the first instance work with the operator to review their policies and procedures.
- 13.7** Where there is a Primary Authority Scheme in place the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral – London Borough of Newham
 - Ladbrokes – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

Part B

Premises Licences

14.0 Delegation of Powers

- 14.1** The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in the Council's Constitution @ www.castlepoint.gov.uk

15.0 General Principles

- 15.1** Premises licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it is thought appropriate.
- ~~**15.2** Prions issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it is thought appropriate.~~
- 15.2** In accordance with section 150 of the Act premises licences can authorise the provision of facilities on:
- Casino premises
 - Bingo premises
 - Betting premises, including tracks and premises used by betting intermediaries
 - Adult gaming centre premises (for category B3, B4, C and D machines)
 - Family entertainment centre premises (for category C and D machines) (note that separate to this category the licensing authority may issue a family entertainment centre gaming machine permit which authorises the use of category d machines only)

15.3 Each case will be decided on its merits and will depend upon the type of gambling that is proposed as well as taking into account how the application proposes that the Licensing Objective concerns can be overcome.

15.4 The Licensing Authority is required by the Act in making decisions about premises licences to permit the use of premises for gambling so far as it thinks fit:

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- to be reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's policy.

15.5 Definition of Premises

~~Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises 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.~~

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

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).

15.6 Demand

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

15.7 Location

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

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

15.9 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under section 10 that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises

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

- 15.10** The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.

- 15.11** The Licensing Authority expects the local risk assessment to consider as a minimum:

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

- 15.12** In every case the local risk assessment should show how vulnerable people with gambling dependencies are protected.

- 15.13** Other matters that the assessment may include:

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

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

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

15.15 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.

15.16 Duplication with other Regulatory Regimes

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded planning permission or building control consent.

15.17 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, this 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 those circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

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

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

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may

not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

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

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

15.18 Conditions and Plans

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

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

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

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, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

15.19 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.

15.20 ~~It is noted that~~ There are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

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

It should be noted that given the DCMS proposed changes to gaming machine stakes and prizes these are subject to and likely to change. Please see <https://www.gamblingcommission.gov.uk/home.aspx> for the latest information.

15.21 Door Supervisors

~~The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.~~

15.21 Credit

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

15.22 Betting Machines [See Appendix C for definition]

In relation to casinos, betting premises and tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (*where betting is permitted in the casino*).

15.23 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.

15.24 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.

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

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

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

16.0 Provisional Statements

16.1 ~~It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a premises licence rather than a provisional statement'. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as planning consent.~~

- 16.1** An application for a provisional statement may be made in respect of premises which the applicant:
- expects to be constructed
 - expects to be altered
 - expects to acquire a right to occupy.

The applicant should refer to the Act and the detailed information provided in the Guidance.

17.0 Representations and Reviews

17.1 Representations and applications for a review of a premises licence may be made by responsible authorities and interested parties.

17.2 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 Authority has designated the Council's Strategic Director as being the proper person to act on its behalf.

17.3 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 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 or codes of practice issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

17.4 In accordance with the Guidance the Licensing Authority can also initiate a review of the Licence on the basis of any reason which it thinks appropriate.

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

18.0 Adult Gaming Centres

- 18.1** An Adult Gaming Centre is defined in Appendix C. Entry to these premises is age restricted.
- 18.2** The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

19.0 Licensed Family Entertainment Centre

- 19.1** A Licensed Family Entertainment Centre is defined in Appendix C. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 19.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20.0 Casinos

- 20.1** The Licensing Authority has adopted:

No decision made but each application be considered on its own merit.

In making this decision the Licensing Authority consulted widely on this specific issue.

20.2 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 which will want to run a casino. In such situations the Council will run a competition in line with regulations and codes of practice issued under the Act by the Secretary of State.

20.3 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 should take into account:

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

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

20.5 Fixed Odds Betting Terminals (FOBT'S)

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

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

20.7 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.

21.0 Bingo Premises

- 21.1 A Bingo premises is defined in Appendix C. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

21.3 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.

22.0 Betting Premises

- 22.1 Betting Premises are defined in Appendix C. Entry to these premises is age restricted.

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

23.0 Tracks

- 23.1 A Track is defined in Appendix C. Entry to these premises is generally age restricted. ~~On race days, specific areas within the track may be age restricted dependent on the licensable activities taking place.~~ Please refer to the Gambling Commission Guidance.

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

24.0 Travelling Fairs

- 24.1** The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use. (See Appendix H).

Part C

Permits/Temporary or Occasional Use Notices/Registrations

25.0 General

- ~~**25.1** Forms and method of application and any additional information or documents required for permits covered by this section are shown in Appendix F.~~

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

26.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 26.1** 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~~ The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

- 26.2** The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee.

Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.

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

- A basic Disclosure and Barring Service check 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

- suspected truant children

27.0 (Alcohol) Licensed Premises Gaming Machine Permits

- 27.1** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.
- 27.2** Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 27.3** Premises restricted to selling alcohol only with food will not be able to apply for a Permit.
- 27.4** Where an application for more than two gaming machines is received the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-
- Adult machines being in sight of the bar;
 - Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
 - Appropriate notices and signage;
 - As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, and leaflets/help line numbers for organisations such as Gamcare; and
 - **Relevant Codes of Practice issued by the Gambling Commission.**

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.

28.0 Prize Gaming Machine Permits

- 28.1** 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~~ **Disclosure and Barring Service check** or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
 - **Proof of age schemes**
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises
 - 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

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect and keep abreast of changes on the Gambling Commission's website).

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

29.0 Club Gaming and Club Machine Permits

29.1 Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

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

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

(a) in respect of gaming machines:

no child or young person may use a category B or C machine on the premises

that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

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

30.0 Temporary Use Notices (TUN)

~~**30.1** The persons designated to receive TUNs and to issue objections are specified in Appendix D.~~

30.1 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. ~~At present this covers equal chance betting only.~~ **At present a Temporary Use Notice can only be issued for equal chance gaming.**

30.2 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 per year by giving a Notice in respect of different parts.

30.3 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.

30.4 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.

31.0 Occasional Use Notices

~~**31.1** Occasional Use Notices (OUN) apply only to Tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.~~

~~**31.2** OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.~~

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

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

31.3 The person designated to receive the OUN's and to assess the validity is the Head of Legal Services and Monitoring Officer. (A copy to be served on local Chief of Police).

32.0 Small Society Lotteries

32.1 The definition of a Small Society Lottery is contained in Appendix C and these require registration with the Licensing Authority.

~~**33.0 Definitions – Appendix C**~~

~~**34.0 Temporary Use Notices/How to make a Representation – Appendix D**~~

~~**35.0 Table of Delegations and Licensing Functions – Appendix E**~~

~~**36.0 Application Process – Appendix F**~~

~~**37.0 Fees – Appendix G**~~

~~**38.0 Useful Contacts**~~

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

Appendix A

List of Consultees

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

- All responsible Authorities for the Gambling Act (as specified in Annexe 2).
- Holders of Premises Licences and Permits under the Gambling Act 2005.
- The Licensing Committee
- Canvey Island Town Council
- Castle Point Association of Voluntary Services
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Local Solicitors
- Members of the Borough Council

In addition to those specifically consulted requests were received for copies of the draft policy from.....

Appendix B

Responsible Authorities

Organisation	Contact and Address	Telephone
Licensing Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF licensingunit@castlepoint.gov.uk	01268 882369
Essex Police	Essex Police Licensing Unit PO Box 12306 Police Station Newland Street Witham CM8 2AS Licensing.applications@essex.pnn.police.uk	101 ext 452035
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Rayleigh Weir Community Fire Station 500 Rayleigh Road Benfleet Essex SS7 3TR eastareacommand@essex-fire.gov.uk	01376 576500
Essex County Council Children's and Adults Safeguarding Service	Licensing Applications Essex County Council 70 Duke Street County Hall Chelmsford Essex CM1 1JP licenceapplications@essexcc.gov.uk	01245 492211
Trading Standards	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS ESFbsnewdukesway@essex.gov.uk	01245 341800
The Local Planning Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF planning@castlepoint.gov.uk	01268 882200
Environmental Health	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF	01268 882200

Organisation	Contact and Address	Telephone
	Environmental-Health@castlepoint.gov.uk	
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP info@gamblingcommission.gov.uk	0121 230 6500
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	03000 516023
Public Health	Essex County Council Dr Danny Showell Consultant in Public Health Essex County Council County Hall Market Rd Chelmsford Essex CM1 1QH danny.showell@essex.gov.uk Ben.Hughes@essex.gov.uk	

Appendix C

Definitions

Please note, definitions listed below are for guidance only and do not form part of the Council's Statement of Licensing Policy or will necessarily appear in it

ATM	Auto teller machine or cash machine
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Betting	In this Act "betting" means making or accepting a bet on: (a) the outcome of a race, competition or other event or process, (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	<p>A game of equal chance.</p> <p>Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood:</p> <ul style="list-style-type: none">• cash bingo, where the stakes paid make up the cash prizes that are won• prize bingo, where various forms of prizes are won, not directly related to the stakes paid.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue casino premises licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none">• Automatic provision• Regulations provided by Secretary of State• Conditions provided by Gambling Commission• Conditions provided by Licensing Authority <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Crane Grab Machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.

Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all premises licences, to a class of premises licence or licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> • Small Society Lottery [required to register with Licensing Authorities. • Incidental Non Commercial Lotteries. • Private Lotteries. • Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Family Entertainment Centre (FEC)	<p>There are two types of FEC:-</p> <p>A licensed FEC (i.e., one with a Premises Licence) has no limit on the number of category C or D machines permitted</p> <p>An unlicensed FEC (i.e., one with a Permit) has no limit on the number of category D machines permitted</p>
Fixed Odds Betting Terminals	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBTs have 'touchscreen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming and Game of Choice	<p>Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.</p> <p>In the Act "gaming" means playing a game of chance for a prize.</p> <p>and "game of chance"—</p> <p>(a) includes—</p> <p>(i) a game that involves both an element of chance and an element of skill,</p> <p>(ii) a game that involves an element of chance that can be eliminated by superlative skill, and</p> <p>(iii) a game that is presented as involving an element of chance, but</p> <p>(b) does not include a sport</p>
Gaming Machine	Machine covering all types of gambling activity, including

	<p>betting on virtual events, but not including home computers even though user can access online gambling websites.</p> <p><u>Categories</u></p> <table><tr><th>Category</th><th>Max. Stake</th><th>Max. Prize</th></tr><tr><td>A</td><td>Unlimited</td><td>Unlimited</td></tr><tr><td>B1</td><td>£5</td><td>£10,000</td></tr><tr><td>B2</td><td>£100</td><td>£500</td></tr><tr><td>B3</td><td>£2</td><td>£500</td></tr><tr><td>B3A</td><td>£2</td><td>£500</td></tr><tr><td>B4</td><td>£2</td><td>£400</td></tr><tr><td>C</td><td>£1</td><td>£100</td></tr><tr><td>D</td><td>20p or 30p*</td><td>£20 or £10*</td></tr></table> <p>*when monetary prize only</p>	Category	Max. Stake	Max. Prize	A	Unlimited	Unlimited	B1	£5	£10,000	B2	£100	£500	B3	£2	£500	B3A	£2	£500	B4	£2	£400	C	£1	£100	D	20p or 30p*	£20 or £10*
Category	Max. Stake	Max. Prize																										
A	Unlimited	Unlimited																										
B1	£5	£10,000																										
B2	£100	£500																										
B3	£2	£500																										
B3A	£2	£500																										
B4	£2	£400																										
C	£1	£100																										
D	20p or 30p*	£20 or £10*																										
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3 rd edition dated May 2009. periodically by the Gambling Commission.																											
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions. Article 6: The right to a fair hearing. Article 8: The right of respect for private and family life. Article 10: The right to freedom of expression.																											
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]																											
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.																											
Interested Party	A person who:- <ul style="list-style-type: none">• Lives sufficiently close to the premises to be likely affected by the authorised activities.• Have business interests that might be affected by the authorised activities.• Represents persons in either of the above groups.																											
Licensing Objectives	<ol style="list-style-type: none">1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.2. Ensuring that gambling is conducted in a fair and Open way.3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.																											
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.																											
Lottery Tickets	Tickets that must:- <ul style="list-style-type: none">• Identify the promoting society;• State the price of the ticket, which must be the same for all tickets;• State the name and address of the member of the																											

	<p>society who is designated as having responsibility for the society for the promotion of the lottery or, if there is one, the external lottery manager, and</p> <ul style="list-style-type: none"> State the date of the draw, or enable the date of the draw to be determined.
Members' Club	<p>A club that must:-</p> <ul style="list-style-type: none"> Have at least 25 members; Be established and conducted 'wholly or mainly' for purposes other than gaming; Be permanent in nature; Not be established to make commercial profit; Be controlled by its members equally.
Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-Money Prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full premises licence.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horseracing in Britain.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	There are three types of private lotteries: <ul style="list-style-type: none"> • Private Society Lotteries - tickets may only be sold to members of the society or persons who are on the premises of the society; • Work lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; • Residents lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> • Expects to be constructed. • Expects to be altered. • Expects to acquire a right to occupy.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice. In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to premises licences, as follows:- <ul style="list-style-type: none"> • The Licensing Authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police • Fire and Rescue Service

	<ul style="list-style-type: none"> • The Planning Authority for the local authority area • Environmental Health Service for the local authority area • The Body competent to advise on the protection of children and from harm • HM Revenue and Customs • Authority in relation to vulnerable adults • Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <p>Full details of Responsible Authorities for Castle Point Borough Council are contained in Appendix 'B' to this policy.</p>
Skill Machine/Skill With Prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (where the house could be a gaming machine).
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	<p>No set definition, but likely to mean group to include people who:-</p> <ul style="list-style-type: none"> • gamble more than they want to • gamble beyond their means • who may not be able to make informed or balanced decisions about gambling due to a mental

	impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

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Please note appendices D, E and F G are to be deleted as the Statement of Principles is focused on high level policy and its current purpose is not to set out the application processes, fees or decision making procedures etc.

Appendix D

Temporary Use Notices

~~The organisations designated to receive TUNs and to issue objections are:-~~

- ~~• The Licensing Authority~~
- ~~• The Gambling Commission~~
- ~~• Essex Police~~
- ~~• 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's areas).~~

Please note appendices D, E and F and G are to be deleted as the Statement of Principles is focused on high level policy and its current purpose is not to set out the application processes, fees, or decision making procedures etc.

Appendix E

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee Setting – when appropriate	-	-	All cases
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		All cases	
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		All cases	

machine permits			
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	
Consideration of an Occasional Use Notice			All cases

Please note appendices D, E and F and G are to be deleted as the Statement of Principles is focused on high level policy and its current purpose is not to set out the application processes, fees, or decision making procedures etc.

Appendix F

Application Process

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

Premises Licence

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

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

Premises licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries) adult gaming centres and family entertainment centres providing category C gaming machines.

A licence is restricted to one premises only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a premises licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

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

Bingo, Betting, Arcades (Adult Gaming Centres & Licensed Family Entertainment Centres)

New licences or permissions

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

Tracks

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

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

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

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

~~Betting machines may also be operated at tracks (see 'Betting machines').~~

~~The licensing process is the same as for other premises described above.~~

Betting Machines

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

Gaming Machine Supplier and Repair

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

Gaming Machines in Licensed Premises

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

~~The Gambling Act 2005 introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a premises licence are shown in figure 2 below.~~

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	5	10,000
B2	100	500
B3	2	500
B3A	2	500
B4	2	400
C	4	100
D	20p or 30p when non-monetary prize	£10 cash or £20 non-monetary prize
D Non money prize (other than a crane machine)	30p	8
D Non money prize (crane grab machine)	4	50

Fig. 2

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

Club Gaming permit					B3A, B4, C and D		3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.
Club machine permit					B3A, B4, C and D		3 total
Licensed premises: automatic entitlement					C and D		2 total
Licensed premises: gaming machine permit					C and D		Unlimited

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

~~Temporary Use Notices (TUN's)~~

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

~~A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.~~

~~In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.~~

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

~~Issue~~

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

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

~~The notice must include details of:-~~

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

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

Objections

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

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

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

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

Occasion Use Notices (OUN'S)

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

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

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

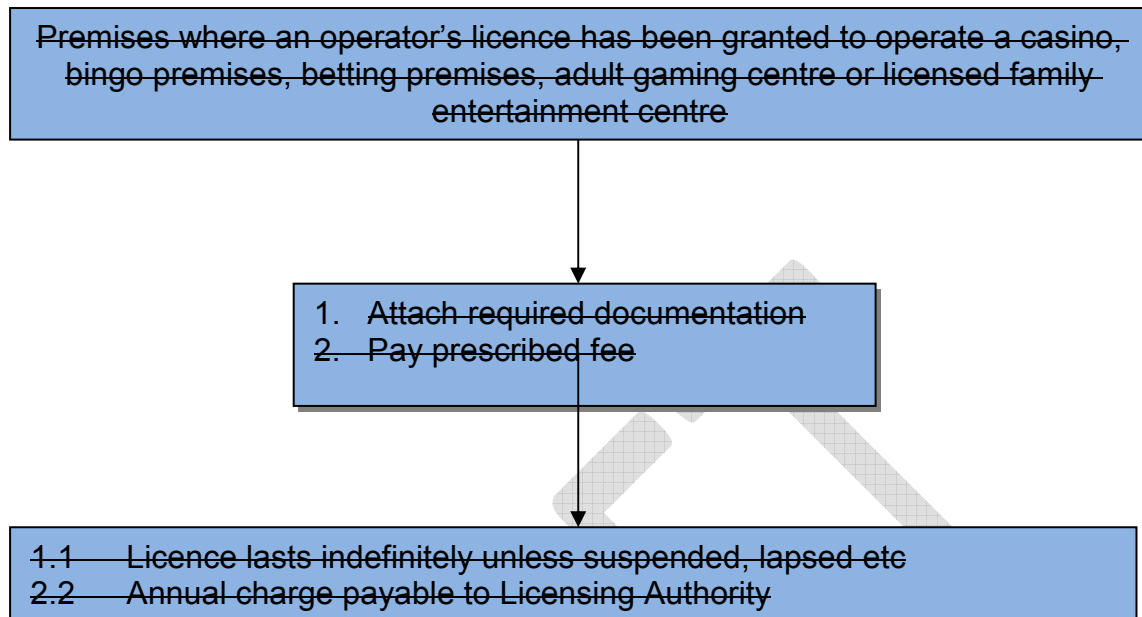
Issue

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

Objections

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

Premises Licenses



Gaming permits

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

- Gaming machines in alcohol licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

Gaming machines

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below. As amended by the Gaming Machine (Amendment) Regulations 2014.

Fig. 3

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

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.

Fig. 4

		Machine category						
Premises Type	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miners' Welfare Institutes with permits				B3A		Maximum of 3 category-B4 B3A to D machines		
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with gaming machine permit							Unlimited category C or D machines—number specified on permit	
Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

Alcohol licensed premises

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a premises licence may be authorised to operate machines of Class C or D provided the premises licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

Automatic Entitlement

The Gambling Act 2005 gives an automatic entitlement for the holder of a premises licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but premises licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:

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

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

New permits

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

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

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

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

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

Where the premises licence is transferred the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely unless surrendered or revoked.

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

Member's Clubs

The Gambling Act 2005 permits a members Club holding a club premises certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Appendix C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3A, B4, C or D.

The Act also permits a Members Club holding a club premises certificate or a commercial club holding a premises licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3A, B4, C or D under a **Club Machine Permit**.

New Permits

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

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

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

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

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

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

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

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

Transitional Arrangements

A registration that was in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a club gaming permit or club machine permit irrespective of the type of registration previously held.

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

~~Other Premises~~

~~Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a gaming machine permit under the Gambling Act 2005 and will be unable to operate gaming machines of any kind.~~

~~Unlicensed Family Entertainment Centres~~

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

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

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

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

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

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

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

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

~~New permits~~

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

~~Prize Gaming~~

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

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

~~The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without~~

~~reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.~~

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

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

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

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

New permits

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

Prize gaming without a permit

~~Prize gaming without a prize gaming permit may be carried on in any premises with a premises Licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.~~

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

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

Travelling Fairs

~~Travelling fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.~~

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

Alcohol Licensed Premises

Premises where the licence permits the sale of alcohol for consumption on the premises and the sale is not conditional upon food being sold may have gaming machines of class C or D

UP TO 2 MACHINES

1. Automatic entitlement to 2 machines—
2. Notify Licensing Authority in writing of proposed intention to operate machines.

MORE THAN 2 MACHINES

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

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

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

BUT

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

Members Clubs

MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES

Applications for new permits and renewals must be made to Licensing Authority

ATTACH TO APPLICATION

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if:-

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Unlicensed Family Entertainment Centre

Permit may be used for premises whose primary use is as an unlicensed family entertainment centre to have an unlimited number of gaming machines of class D

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

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

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

Permits will lapse if: -

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

Prize Gaming Permit

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

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

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

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

Permits will lapse if:-

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

Lotteries

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

The Gambling Act 2005 defines 4 categories of lottery that are exempt from needing an operating licence:-

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

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

The Licensing Authority will require applicants to declare:-

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

The Licensing Authority may refuse an application if:-

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

An application shall be refused if an operating licence held or applied for by the applicant has been revoked or refused in the previous 5 years. The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration. Where the Licensing Authority intends to refuse or revoke the registration application it will give the society:-

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

New Registrations

An application for registration with the prescribed fee must be made to the Licensing Authority under the Gambling Act 2005. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

Lottery Requirements

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

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and

- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

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

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

External Lottery Managers

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

Small Society Lotteries

Promoted by a non-commercial society established for charitable purposes; for purposes of enabling participation on or of supporting sport, athletic or cultural activity; or for other non-commercial purposes other than private gain

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

Lottery requirements:—

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

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

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

Registration may be refused if:—

1. Society is not considered to be non-commercial
 2. Any person connected with promotion of lottery has been convicted of relevant offence, or
 3. Information provided in application is false/misleading
- Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
- Registration may be revoked where grounds exist for an application for registration to be refused.

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

Please note appendices D, E and F and G are to be deleted as the Statement of Principles is focused on high level policy and its current purpose is not to set out the application processes, fees or decision making procedures etc.

Appendix G Fees

Classes of Premises Licence	Application for a Permit – New Operator £	Application for a Permit – Existing Operator £	Renewal of a Permit £	Annual Fee £	Fee for application to vary a Permit £	Fee for application to transfer a Permit £	Change of Name £	Copy of Permit £
Prize Gaming	300	100	300	=	=	=	25	15
Family Entertainment Centre Gaming Machine (Category D machines only)	300	100	300	=	=	=	25	15
Club Gaming and Club Machine Permit*	200	100	200	50	100	=	=	15
Licensed Premises Gaming Machine Permit	150	100	=	50	100	25	25	15
Notice of Intention to make gaming machines available on premises with a premises alcohol licence. Two or less Category D Gaming Machines				Application for a Permit – New Operator £ 50				

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of current fees can be obtained by contacting;

The Licensing Department
Castle Point Borough Council
Kiln Road
Benfleet
Essex SS7 1TF
Tel: 01268 882369
E-mail: licensing@castlepoint.gov.uk
Or, @ www.castlepoint.gov.uk