

# Council AGENDA

**Monday 20<sup>th</sup> June 2022 at 7.15pm**  
**Council Chamber, Braintree District Council, Causeway House,**  
**Bocking End, Braintree, CM7 9HB**

**This meeting is a public meeting. The Council is continuing to maintain social distancing at all its public meetings. In order to ensure the safety of everyone involved, members of the public are recommended to watch the meeting live via the Council's YouTube channel and not attend the venue unless they are participating in the meeting or have been advised to do so by the Governance Team.**

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**Members of the Council are requested to attend this meeting to discuss the business set out in the Agenda.**

**Membership:-**

Councillor J Abbott	Councillor H Johnson	Councillor Mrs W Schmitt
Councillor J Baugh	Councillor A Kilmartin	Councillor P Schwier
Councillor Mrs J Beavis	Councillor W Korsinah	Councillor Mrs G Spray
Councillor K Bowers	Councillor D Mann	Councillor P Tattersley
Councillor G Butland	Councillor T McArdle	Councillor P Thorogood
Councillor J Coleridge	Councillor J McKee	Councillor N Unsworth
Councillor G Courtauld	Councillor A Munday	Councillor R van Dulken
Councillor Mrs M Cunningham	Councillor Mrs I Parker	Councillor D Wallace
Councillor T Cunningham	Councillor Mrs J Pell	Councillor T Walsh
Councillor C Dervish	Councillor I Pritchard	Councillor L Walters
Councillor P Euesden	Councillor M Radley	Councillor Miss M Weeks
Councillor T Everard	Councillor S Rehman	Councillor D White
Councillor Mrs D Garrod	Councillor F Ricci	Councillor Mrs S Wilson
Councillor A Hensman	Councillor B Rose	Councillor J Wrench
Councillor S Hicks	Councillor J Sandum	Councillor B Wright
Councillor P Horner	Councillor V Santomauro	
Councillor D Hume	Councillor Mrs W Scattergood	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

**INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS  
Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI)  
or Non-Pecuniary Interests (NPI).**

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

**Public Question Time - Registration and Speaking:**

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions of the Council on any matter in relation to which the Council has powers or duties or which affect the district.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team by email ([governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Friday, (Where there is a bank holiday you will need to register by midday the previous Thursday).

Public Question Time Speakers may participate in person, choose to participate virtually, or ask for their statements to be read out by an Officer. The Speaker preference must be indicated upon registration.

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

The Chairman of the Council has discretion to amend the order in which questions/statements are presented to Full Council.

**Public Attendance at Meeting:**

Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House Covid secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to any Public Registered Speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public may not be able to sit in the Council Chamber. If this is the case, members of the public will be able to observe the meeting from a public gallery through a large monitor.

Alternatively, the Council's meetings are all webcast and are available via the Council's YouTube channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public Speakers and public attendees are required to attend on their own, and where possible, only one representative of any community group, family household or company should attend. Members of the public intending to come to the meeting venue to observe the meeting are recommended to contact the Governance and Members Team to reserve a seat within the public gallery.

Please do not attend the meeting if you are feeling unwell. The Council would recommend that anyone who is intending to attend the meeting take a lateral flow test on the morning of the meeting. This will help to protect you and others.

**Health and Safety:**

Any person attending meetings are requested to take a few moments to familiarise themselves with the nearest available exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by Officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

**Mobile Phones:**

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:**

Please note that this meeting will be webcast and will be available on the Council's YouTube channel.

**Documents:**

Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing:**

For further information on how the Council processes data, please see the Council's Privacy Policy. [https://braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

**Your Comments:**

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

<b>PUBLIC SESSION</b>		<b>Page</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest</b> To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
<b>3</b>	<b>Minutes of the Previous Meeting</b> To approve as a correct record the minutes of the meeting of the Annual General Meeting of the Council held on 25th April 2022 (copy previously circulated).	
<b>4</b>	<b>Public Question Time</b> (See paragraph above)	
<b>5</b>	<b>To receive any announcements/statements from the Chairman and/or Leader of the Council.</b>	
<b>6</b>	<b>Motion by Councillor Mrs Iona Parker - National Grid Sustainable Electricity Generation</b>	<b>6 - 7</b>
<b>7</b>	<b>Motion by Councillor Tom Cunningham – congratulations to HM The Queen on her Platinum Jubilee</b>	<b>8</b>
<b>8</b>	<b>Motion by Councillor Mrs Joanne Beavis - Cost of Living Crisis</b>	<b>9 - 10</b>
<b>9</b>	<b>Appointment of the Chief Executive/Head of Paid Services</b>  To approve the appointment of the Chief Executive/Head of Paid Services.  The report for this item will be circulated following the conclusion of the recruitment process.	
<b>10</b>	<b>Braintree District Council’s Revised Licensing Policy Statement in Respect of The Gambling Act 2005</b>	<b>11 - 56</b>
<b>11</b>	<b>Development of a Community Centre, Maltings Lane, Witham</b>	<b>57 - 62</b>

Following the presentation of the Cabinet's report to Full Council the Chairman will invite Councillors to ask questions of the Cabinet.

Any Councillor may ask up to two questions, the Leader of the Opposition may ask up to four questions, which relates to the functions of the Leader and Cabinet Members, the powers and duties of the Council or matters pertaining to the District. Questions are not restricted to the contents of the Cabinet Member's report.

Where a verbal response cannot be given at the meeting a written response will be issued to all Councillors within 10 working days of the meeting.

A period of up to 1 hour is allowed for this item. Council Procedural Rule 12.13 applies.

**Agenda Item: 6**

<b>Report Title:</b> Motion by Councillor Mrs Iona Parker - National Grid Sustainable Electricity Generation	
<b>Report to:</b> Council	
<b>Date:</b> 20 <sup>th</sup> June 2022	<b>For:</b> Debate
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> Not applicable
<b>Motion Presented by:</b>	Councillor Mrs Iona Parker
<b>Motion Seconded by:</b>	Councillor Justin Wrench
<b>Motion Support by:</b>	Councillors T Cunningham, Mrs C Dervish, P Euesden, Mrs W Scattergood, R van Dulken and Mrs S Wilson
<b>Enquiries to:</b> Emma Wisbey, Governance and Members Manager	

**1. Motion:**

The Council recognises the increasing need for sustainable electricity generation, including utilising wind turbines located in the North Sea. The Council also acknowledges the need to transmit such electrical power from source to end user.

However, the Council is concerned about the effect transmission overland may have on the countryside in Braintree District. It urges National Grid to explore all options and to take steps to mitigate negative impacts on the natural environment.

It also urges National Grid to fully engage with the local community so residents have the opportunity to respond to its proposals.

**2. Constitution provisions:**

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 1<sup>st</sup> June 2022 at 07:33hrs giving 9 clear working days' notice and contains the names of five Councillors supporting the Motion including the proposer and seconder.

**3. Amendments to Motion on Notice:**

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12noon on Wednesday 15<sup>th</sup> June 2022.

**Agenda Item: 7**

<b>Report Title:</b> Motion by Councillor Tom Cunningham –Congratulations to HM The Queen on her Platinum Jubilee	
<b>Report to:</b> Council	
<b>Date:</b> 20 <sup>th</sup> June 2022	<b>For:</b> Debate
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> Not applicable
<b>Motion Presented by:</b>	Councillor Tom Cunningham
<b>Motion Seconded by:</b>	Councillor Graham Butland
<b>Motion Support by:</b>	Councillors J McKee, P Tattersley, R van Dulken, Mrs I Parker, F Ricci, K Bowers
<b>Enquiries to:</b> Emma Wisbey, Governance and Members Manager	

1. **Motion:**

This Council resolves to send its warmest congratulations to HM The Queen on her Platinum Jubilee. The Council wishes to express on behalf of the District of Braintree, its pride, gratitude and affection for Her Majesty and her unprecedented service to our Nation and The Commonwealth.

2. **Constitution provisions:**

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 3<sup>rd</sup> June 2022 at 10:45hrs giving 9 clear working days' notice and contains the names of five Councillors supporting the Motion including the proposer and seconder.

3. **Amendments to Motion on Notice:**

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12noon on Wednesday 15<sup>th</sup> June 2022.

<b>Report Title:</b> Motion by Councillor Mrs Joanne Beavis - Cost of Living Crisis	
<b>Report to:</b> Council	
<b>Date:</b> 20 <sup>th</sup> June 2022	<b>For:</b> Debate
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> Not applicable
<b>Motion Presented by:</b>	Councillor Mrs Joanne Beavis
<b>Motion Seconded by:</b>	Councillor James Abbott
<b>Motion Support by:</b>	Councillors N Unsworth, B Wright, T Walsh, S Hicks, Mrs J Sandum, Ms M Weeks and P Thorogood
<b>Enquiries to:</b> Emma Wisbey, Governance and Members Manager	

**1. Motion:**

This Council recognises the Cost of Living Crisis and the impact it is having on many residents in the Braintree District due to rising inflation, tax increases and soaring energy bills, exacerbated by the Russian war on Ukraine and Brexit.

Council also recognises that the Government has introduced a range of support measures including relief through council tax bills and new grant support, with additional specific grants to assist pensioners, people with disabilities and the poorest households.

However the Government has stated it cannot cover all impacts and therefore, given the scale of the Cost of Living Crisis, Council agrees to establish a dedicated Member Working Group, to report quickly, to review the measures that the Council and its partners in Essex are already offering, and to recommend any further assistance that can be delivered this financial year for the residents of Braintree District.

**2. Constitution provisions:**

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 6<sup>th</sup> June 2022 at 16:29hrs giving 9 clear working days' notice and contains the names of five Councillors supporting the Motion including the proposer and seconder.

3. **Amendments to Motion on Notice:**

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12noon on Wednesday 15<sup>th</sup> June 2022.

<b>Report Title:</b> Braintree District Council's Revised Licensing Policy Statement - The Gambling Act 2005	
<b>Report to:</b> Council	
<b>Date:</b> 20 <sup>th</sup> June 2022	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> Councillor John Baugh, Chairman of the Licensing Committee	
<b>Enquiries to:</b> John Meddings, Principal Licensing Officer	

## **1. Purpose of the Report**

- 1.1 Braintree District Council is legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years. The policy must be based on the licensing objectives. The policy will then set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years.

## **2. Recommendations**

- 2.1 That the draft statement of Gambling Licensing Policy be approved and to come into force on 1<sup>st</sup> August 2022.

## **3. Summary of Issues**

- 3.1 The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible of the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-
- a) Consideration of applications for premises licenses for:
    - Casinos
    - Bingo premises
    - Betting premises and Race tracks
    - Adult gaming centres
    - Family entertainment centres
  - b) Consideration of application for permits for:
    - Gaming machines in alcohol-licensed premises, such as pubs
    - Gaming machines for members clubs
    - Gaming in member clubs
    - Unlicensed family entertainments centres- (category D machines only – i.e. those that have the lowest level of stakes and prizes)
    - Prize gaming

- c) Temporary use notices
- d) Occasional use notices
- d) Provisional Statements
- e) Registration small society lotteries

3.2 Each Authority is legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years. The policy must be based on the three licensing objectives, which are;

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable people from being harmed or exploited by gaming

3.3 The re-published policy will then set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years.

### **Consultation**

3.4 The draft Gambling Licensing Policy Statement, which is based upon the Essex Authorities generic framework, has been made available for public consultation. The consultation was open for comment between 4<sup>th</sup> January 2022 until 6<sup>th</sup> March 2022.

3.5 Letters advising of the consultation were sent to Responsible Authorities, Members and other persons who would have an interest in the Policy: Consultation with a range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, primary care trusts, and advocacy organisations (such as the Citizens Advice Bureau and trade unions); consultation with businesses that are, or will be, holders of a premises licence;

3.6 The Policy was also made available for viewing via the Council's website for public comment between 4<sup>th</sup> January 2022 until 6<sup>th</sup> March 2022.

3.7 During the consultation period no responses were received. Reviews of the Council's Gambling Licensing Policy Statement historically do not attract much interest. There have also been no significant changes to the Council's Gambling Licensing Policy Statement due to no legislative changes or updates to published guidance.

## **4. Options**

4.1 That the draft statement of Gambling licensing policy be approved. Should the Council decline to approve the Policy the Council will be without a Licensing Policy and in breach of its obligations under the Gambling Act 2005.

## **5. Next Steps**

- 5.1 Once the Gambling Licensing Policy Statement has been agreed before the statement can come into effect, the Council must publish a notice of its intention to publish a statement of Gambling Policy.
- 5.2 The notice must be published on the Council's website and on the noticeboard at the principal office of the authority for four weeks. The notice will specify the date upon which the Policy comes into force.

## **6. Financial Implications**

- 6.1 The cost of processing application made under the Gambling Act 2005 are managed within existing budgets and resources. There are no direct financial implications for the Council in approving this policy which is a requirement of the Gambling Act 2005.

## **7. Legal Implications**

- 7.1 The licensing functions including the Council's Statement of Licensing Policy under the Gambling Act 2005 is a Council Function. In accordance the Council's Constitution the Licensing Committee has authority to discharge the Licensing functions under the Gambling Act 2005, excluding the approval of the Council's Statement of Licensing Policy. This must be approved by Full Council.
- 7.2 Failure to adopt a policy in line with the Gambling Act 2005, will result in the Council not being able to administer the licensing functions under the Gambling Act 2005.
- 7.3 The Council could be subject to legal change should it not have in a place a licensing policy.

## **8. Equality and Diversity Implications**

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
  - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual

orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 8.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **9. List of Appendices**

- 9.1 Braintree District Council Draft Gambling Licensing Policy Statement 2022

## **10. Background Papers**

- 10.1 [Gambling Act 2005](#)  
10.2 [Gambling Commission – Guidance to Licensing Authorities \(5th Edition\)](#)  
10.3 [Gambling Licensing Policy Statement 2019](#)  
10.4 [Licensing Committee 16<sup>th</sup> March 2022 Report and Minutes \(Post consultation\)](#)



# **GAMBLING LICENSING POLICY STATEMENT**

**2022 - 2025**

## **FOREWORD**

This is the fifth Statement of Licensing Policy produced by Braintree District Council under the Act and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing in 2022.

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

This Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make Braintree a safe and welcoming place for both residents and visitors to enjoy.

Councillor John Baugh  
Chairman, Licensing Committee

### Version History

Version No:	Period to which policy applies:	Review date:
1	2007-09	2009
2	2010-12	2012
3	2013-15	2015
4	2016-19	2019
5	2022-25	2022

**BRAINTREE DISTRICT COUNCIL**  
**GAMBLING LICENSING POLICY STATEMENT**

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**Appendix 5 Map of the Area**

**Appendix 6 Risk Assessment Template**

## **PART A**

### **1 INTRODUCTION**

1.1 This Statement of Licensing Policy sets out the principles the Braintree District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act') proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

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

### **2. THE LICENSING OBJECTIVES**

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

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

### **3. DESCRIPTION OF THE DISTRICT**

3.1 The Braintree District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. Braintree District has a population of 149,108 (2013 Mid-Year Population Estimate from Office of National Statistics) and covers an area of 236 square miles. The main centres of population are in the towns of Witham, Halstead and Braintree. A map of the area is attached to this Policy document at Annex 'D'.

#### **4. RESPONSIBILITIES UNDER THE ACT**

- 4.1 The Act has introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Braintree District Council is the Licensing Authority for the Braintree District.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-
- operate a casino;
  - provide facilities for playing bingo or for pool betting;
  - act as intermediaries for betting;
  - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
  - manufacture, supply, install, adapt, maintain or repair gaming machines;
  - manufacture, supply, install or adapt gambling machine software; or
  - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- in accordance with any relevant codes of practice;
  - in accordance with any relevant Guidance issued by the Gambling Commission;
  - reasonably consistent with the Licensing Objectives, and
  - in accordance with the Licensing Authority's Statement of 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. 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 their functions under the Act.
- 5.2 In this document this is referred to as the 'Policy'. This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3 This Policy takes effect on 1<sup>st</sup> August 2022 and replaces the policy previously in force.

## **6 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 list of these other groups and persons consulted is also provided below.
- 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, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;
  - other tiers of local government;
  - businesses who are, or will be, holders of Premises Licences;
  - responsible Authorities under the Act.
- 6.4 The Licensing Authority's consultation took place between 10<sup>th</sup> January 2022 and 6<sup>th</sup> March 2022.
- 6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to the Licensing Department in writing, or by email [licensing@braintree.gov.uk](mailto:licensing@braintree.gov.uk)

## **7 APPROVAL OF POLICY**

- 7.1 This Policy was approved by Braintree District Council on 20<sup>th</sup> June 2022 and was published via its website and public notice. Copies are available 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 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 and will adopt the Principals of Better Regulation.
- 8.2 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 Council's Policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations under the Act.
- 8.3 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes as Equality Impact Assessment.

## **9 RESPONSIBLE AUTHORITIES**

- 9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 2. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 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 invested 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 Safeguarding Service for this purpose.

## **10 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 District, Parish Councillors and Members of Parliament (MP). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties.

10.3 District 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

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

## **11 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;
- The General Data Protection Regulation;
- Human Rights Act 1998;
- Freedom of Information 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form.) An audit trail should include:-

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

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

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

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

## **12 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 COMPLIANCE AND ENFORCEMENT**

13.1 Braintree District Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services.

13.2 The Authority has had regard to the Regulators Code in the development of this policy and any operational procedures relevant to this specific licensing regime. The Authority has regard when setting standards or providing guidance which will guide the regulatory activities of other regulators.

13.3 The Authority in following these principles if in a particular instance concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable, or is outweighed by another relevant consideration, will not follow that provision but will aim to record the decision and the reasons for it.

13.4 The Code specifies the following guiding principles that the Council support and adopt:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
- Regulators should base their regulatory activities on risk.
- Regulators should share information about compliance and risk.
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- Regulators should ensure that their approach to their regulatory activities is transparent.

13.5 Braintree District Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit offences or fail to comply with licence conditions. Braintree District Council has set clear standards of service and

performance that the public and businesses can expect. In particular, the Environmental Services statement of Enforcement Policy that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement are achieved. This Policy is advertised and is freely available as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: [www.braintree.gov.uk](http://www.braintree.gov.uk)

- 13.6 Braintree District Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.
- 13.7 The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator
- 13.8 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 authorities.
- Coral – London Borough of Newham
  - Ladbrokes – Milton Keynes
  - Paddy Power – Reading
  - William Hill – City of Westminster

## **14 DELEGATION OF POWERS**

- 14.1 The Council has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix 4.

<b>PART B PREMISES LICENCES</b>
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**15. GENERAL PRINCIPLES**

- 15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions, which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome.
- 15.3 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-
- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
  - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
  - c) reasonably consistent with the Licensing Objectives (Subject to paragraphs a) and b))and
  - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

**15.4 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.

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).

**15.5 Demand:**

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

**15.6 Location:**

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

- 15.7 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 the 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.

- 15.8 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6<sup>th</sup> 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.
- 15.9 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.
- 15.10 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
- 15.11 In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 15.12 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.

15.13 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 Local Area Profile - Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a local area profile (LAP). The LAP is published as a separate document to this policy and does not form part of it. The LAP may be reviewed by the Licensing Authority at any time. Such a review would not constitute a review of this policy.

15.17 The LAP should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the LAP and assessment, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.

15.18 The Licensing Authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However, an applicant who decides to disregard the LAP should be alert to the risk that they may face additional representations and the expense of a hearing as a result. A template of a suggested local risk assessment form for is included at **Appendix 6**. Applicants and licence holders may use this template or create their own.

15.19 **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.

15.20 **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 –**

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.

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.

- **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.

The Council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and vulnerable adult centres, or residential areas where there may be a high concentration of families with children.

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 have the mental capacity 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.

## 15.20 Conditions

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

- 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;

15.21 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.

15.22 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.

#### 15.23 **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.

The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

#### 15.24 **Credit:**

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

#### 15.25 **Betting Machines: (See Appendix 1 for definition)**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*). This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the Licence, the ability to staff to monitor the use of such machines from the counter.

15.26 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.

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

## **16 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.

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

## **17 REPRESENTATIONS AND REVIEWS**

- 17.1 Representations and Applications for Review of 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 Head of Environment and Leisure 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:
- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy;
  - 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 issued by the Gambling Commission.
  - Reasonably consistent with the licensing objectives.
- 17.4 There is no appeal against the Authority's determination of the relevance of an application for review.

## **18 ADULT GAMING CENTRES**

- 18.1 An Adult Gaming Centre is defined in Appendix 1. 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 (LICENSED) FAMILY ENTERTAINMENT CENTRES**

19.1 A Licensed Family Entertainment Centre is defined in Appendix 1. 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 CASINOS**

20.1 The Licensing Authority has made no decision about Casinos, therefore, each application will be considered on its own merits.

### **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 considered on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

### **20.5 Credit:**

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

## **21 BINGO PREMISES**

21.1 A Bingo premises is defined in Appendix 1. 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 BETTING PREMISES**

22.1 Betting Premises are defined in Appendix 1.

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

22.3 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.

## **23 TRACKS**

23.1 A Track is defined in Appendix 1. 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.

23.2 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

## **24 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.

**PART C**  
**PERMITS/TEMPORARY OR OCCASIONAL USE**  
**NOTICES/REGISTRATIONS**

**25 GENERAL**

- 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.
- 25.2 Forms and Method of Application and any additional information or documents required for Permits covered by this section will be available either direct from our website ([www.braintree.gov.uk](http://www.braintree.gov.uk)) or in hard copy from our Licensing Department, Tel 01376 557790.

**26 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 that 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 and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic Criminal Record Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
  - How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
  - Training covering how staff would deal with:-
    - unsupervised, very young children being on the premises;
    - children causing perceived problems on/around the premises;
    - safeguarding awareness training, and
    - suspected truant children.

## **27 (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; and
  - as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as GameCare.
  - 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 PRIZE GAMING PERMITS**

- 28.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic Criminal Record Bureau 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;
- safeguarding awareness training, 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)

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 CLUB GAMING AND CLUB MACHINE PERMITS**

29.1 Member's Clubs and Miner's 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 Commercial clubs may apply for a club machine permit, subject to restrictions

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

(a) in respect of gaming machines:

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

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

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

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

## **30 TEMPORARY USE NOTICES (TUN)**

30.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 2.

30.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

30.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having

a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

- 30.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### **31 OCCASIONAL USE NOTICES**

- 31.1 Occasional Use Notices, 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.
- 31.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 31.5 The person designated to receive the OUN’s and assess validity is specified in the scheme of delegation as shown at Annex E

### **32 SMALL SOCIETY LOTTERIES**

- 32.1 The definition of a Small Society Lottery is contained in Appendix 1 and require registration with the Licensing Authority.

### **33 DEFINITIONS**

In this Policy the definitions contained in Appendix 1 are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

### **34 HOW TO APPLY FOR A PREMISES LICENCE/TEMPORARY USE NOTICE**

Information and guidance on how to apply for a Premises Licence and other Permits or permissions under the Act will be available either direct from our website or in hard copy from our Licensing Department.

## **35 HOW TO MAKE A REPRESENTATION**

Information and guidance on how to make representations in relation to an application or to apply for a review of a Licence will be available either direct from our website ([www.braintree.gov.uk](http://www.braintree.gov.uk)) or in hard copy from our Licensing Department (Tel 01376 557790).

## **36 FEES**

The Fees that are applicable to any Licences, Permits or any other permissions will be set by the Secretary of State by Regulations. The Licensing Authority will determine their fees when Regulations are published.

## **37 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](http://www.gamblingcommission.gov.uk) Some of these organisations provide Codes of Practice on their particular interest area.

Contact details of the Licensing Authority and the Responsible Authorities are contained in Appendix 3.

## Definitions

## Appendix 1

Adult	An individual who is not a child or young person.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect (Premises limited to entry by adults making Category B, C and D gaming machines available to their customers).
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a gaming machine).
Bingo	A game of equal chance.
Braintree District Council	The area of Essex administered by the Braintree District Council (see map – Appendix 5)
Casino	An arrangement whereby people are given an opportunity to participate in one or more Casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B,C or D).
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Automatic provision</li> <li><input type="checkbox"/> Regulations provided by Secretary of State</li> <li><input type="checkbox"/> Conditions provided by Gambling Commission</li> <li><input type="checkbox"/> Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Small Society Lottery (required to register with Licensing Authorities).</li> <li><input type="checkbox"/> Incidental Non Commercial Lotteries.</li> <li><input type="checkbox"/> Private Lottery (Private Society, Work or Residents lottery).</li> <li><input type="checkbox"/> Customer Lotteries.</li> </ul>
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the Lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3 <sup>rd</sup> edition dated May 2009.
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>
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	<p>A person who:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> lives sufficiently close to the premises to be likely affected by the authorised activities;</li> <li><input type="checkbox"/> have business interests that might be affected by the authorised activities, or</li> <li><input type="checkbox"/> represents persons in either of these two groups.</li> </ul>

	See paragraph 10.6 for the criteria the Licensing Authority will apply in determining who lives or has business interests sufficiently close to the premises that they are likely to be affected by any authorised activities.
Licensing Authority	Braintree District Council acting under Section 2 of the Act.
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Licensing Objectives	<ol style="list-style-type: none"> <li>1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>2. Ensuring that gambling is conducted in a fair and Open way.</li> <li>3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.</li> </ol>
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	<p>Tickets that must:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> identify the promoting society;</li> <li><input type="checkbox"/> state the price of the ticket, which must be the same for all tickets;</li> <li><input type="checkbox"/> state the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and</li> <li><input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Members' Club	<p>A Club that must:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> have at least 25 members;</li> <li><input type="checkbox"/> be established and conducted 'wholly or mainly' for purposes other than gaming;</li> <li><input type="checkbox"/> be permanent in nature;</li> <li><input type="checkbox"/> not be established to make commercial profit; and</li> <li><input type="checkbox"/> be controlled by its members equally.</li> </ul>
Occasional Use Notice	Betting may be permitted on a 'track' for eight days or less in a calendar year without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course

	betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	<p>Issued by the Gambling Commission. Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling</p> <ul style="list-style-type: none"> <li>- Casino Operating Licence</li> <li>- Bingo Operating Licence</li> <li>- General Betting Operating Licence</li> <li>- Pool Betting Operating Licence</li> <li>- Betting Intermediary Operating Licence</li> <li>- Gaming Machine General Operating Licence (for an Adult – Gaming Centre Operator or a Family Entertainment Centre)</li> <li>- Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)</li> <li>- Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software)</li> <li>- Lottery Operating Licence</li> </ul>
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. Issued by the Licensing Authority (for Unlicensed Family Entertainment Centres, Prize Gaming, Gaming Machines, on alcohol related premises, Club Gaming and Club Gaming Machines).
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.
Premises	Defined as 'any place', including a vehicle, vessel or moveable structure. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
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	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</li> <li>❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</li> <li>❑ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</li> </ul>

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"> <li><input type="checkbox"/> Expects to be constructed.</li> <li><input type="checkbox"/> Expects to be altered.</li> <li><input type="checkbox"/> Expects to acquire a right to occupy.</li> </ul>
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	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"> <li><input type="checkbox"/> Braintree District Council acting as the Licensing Authority</li> <li><input type="checkbox"/> The Gambling Commission</li> <li><input type="checkbox"/> The Chief Officer of Police (Essex Police)</li> <li><input type="checkbox"/> Essex County Fire and Rescue Service</li> <li><input type="checkbox"/> Local Planning Authority, ie Braintree District Council Planning Department</li> <li><input type="checkbox"/> The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health</li> <li><input type="checkbox"/> Essex Local Safeguarding Children's Board</li> <li><input type="checkbox"/> HM Revenue and Customs</li> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> Other persons prescribed by the Secretary of State</li> </ul> <p>Full details of Responsible Authorities for the Braintree District are contained in Appendix '2' to this Policy.</p>
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to

	use the premises temporarily for providing facilities for gambling.
The Act	The Gambling Act 2005.
The Council	Braintree District Council
The Commission	The Gambling Commission.
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <li><input type="checkbox"/> gamble more than they want to</li> <li><input type="checkbox"/> gamble beyond their means</li> <li><input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs</li> </ul>
Young Person	An individual who is not a child but who is less than 18 years old.

**Contact Details for the Licensing Authority and Responsible Authorities**

ORGANISATION	CONTACT AND ADDRESS	TELEPHONE / FAX / EMAIL
Licensing Authority	Licensing Officer Environmental Services Braintree District Council Causeway House Braintree Essex CM7 9HB	Telephone: 01376 557790 Email: <a href="mailto:licensing@braintree.gov.uk">licensing@braintree.gov.uk</a> Website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>
Essex Police	Licensing Officer Braintree Police Station Blyth's Meadow Braintree Essex CM7 3DJ	Telephone: 01245 452035 Email: <a href="mailto:licensing.applications@essex.pnn.police.uk">licensing.applications@essex.pnn.police.uk</a>
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Braintree and Uttlesford Headquarters Kelvedon Park Rivenhall Witham Essex CM8 3HB	Telephone: 01376 576000
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council 70 Duke Street Chelmsford Essex CM1 1JP	Telephone: 03330 134076 Email: <a href="mailto:licenceapplications@essexcc.gov.uk">licenceapplications@essexcc.gov.uk</a> Website: <a href="http://www.escc.co.uk/working-with-children/licensing-guidelines">www.escc.co.uk/working-with-children/licensing-guidelines</a>

ORGANISATION	CONTACT AND ADDRESS	TELEPHONE / FAX / EMAIL
The Local Planning Authority	Development Services Manager Development Services Braintree District Council Causeway House Braintree Essex CM7 9HB	Telephone: 01376 552525 Fax: 01376 557781
The Local Authority with functions related to prevention of risk of pollution of the environment. (Environmental Health) -	Environmental Protection Team Braintree District Council Causeway House Bocking End Braintree Essex CM7 9HB	Telephone:01376 552525 Fax 01376 557767
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	Telephone: 0121 230 6500 Fax 0121 2372236 E-mail: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> Website: <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
HM Revenue & Customs	Excise Processing Teams BX9 1GL	Phone: 0300 322 7072 (Option 7) Email: <a href="mailto:NRUBetting&amp;Gaming@hmrc.gsi.gov.uk">NRUBetting&amp;Gaming@hmrc.gsi.gov.uk</a>

### Useful Contacts

#### **Trade Associations:**

British Amusement Catering Trade Association	<a href="http://www.bacta.org.uk">www.bacta.org.uk</a>
British Casino Association	<a href="http://www.britishcasinoassociation.org.uk">www.britishcasinoassociation.org.uk</a>
Remote Gambling Association	<a href="http://www.rga.eu.com">www.rga.eu.com</a>
Bingo Association	<a href="http://www.bingo-association.co.uk">www.bingo-association.co.uk</a>
British Horseracing Board	<a href="http://www.britishhorseracing.com">www.britishhorseracing.com</a>
British Greyhound Racing Board	<a href="http://www.thedogs.co.uk">www.thedogs.co.uk</a>

#### **Gambling Support Organisations:**

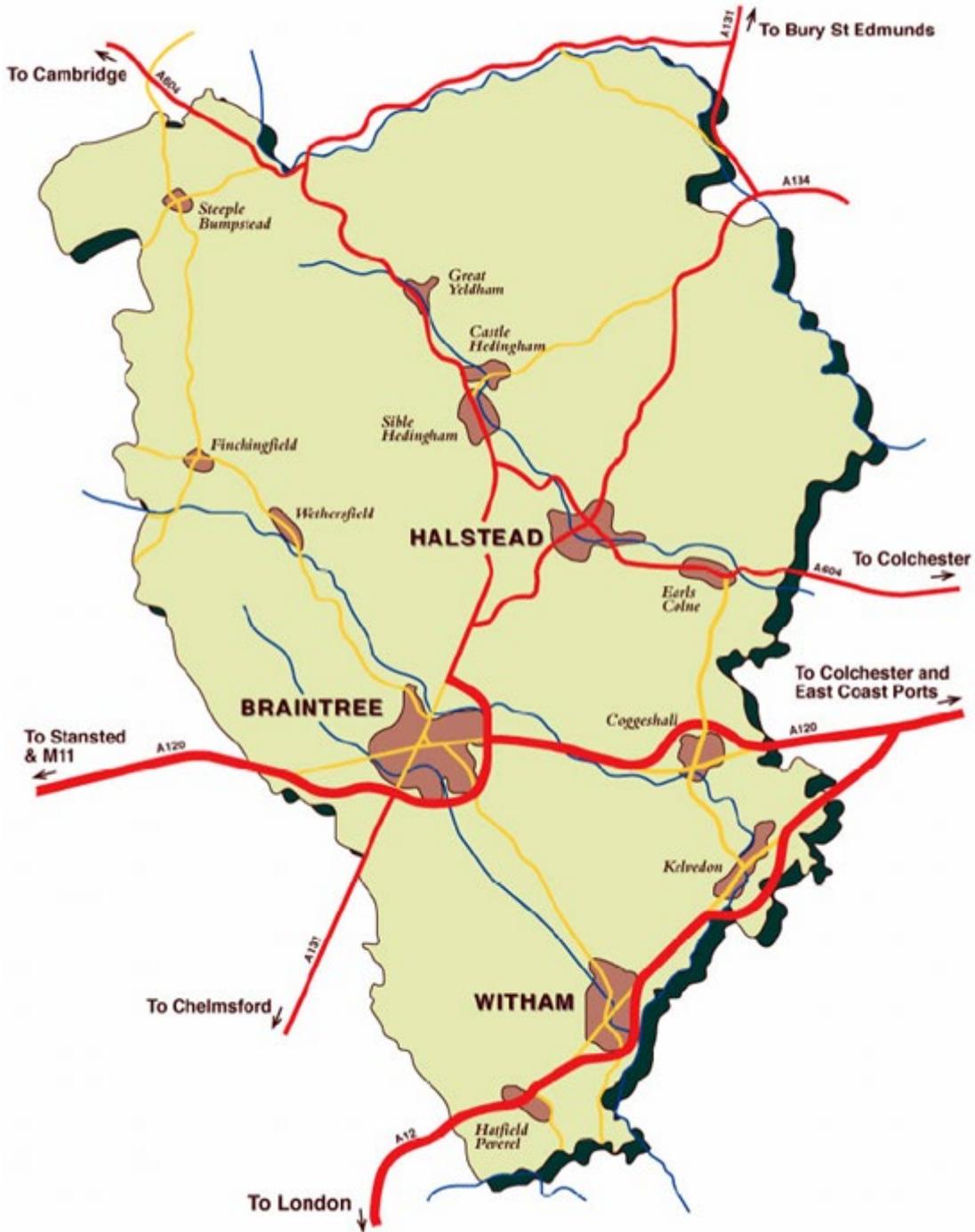
Gamcare	<a href="http://www.gamcare.org.uk">www.gamcare.org.uk</a>
Responsibility in Gambling Trust	<a href="http://www.rigt.org.uk">www.rigt.org.uk</a>
Gamblers Anonymous	<a href="http://www.gamblersanonymous.org.uk">www.gamblersanonymous.org.uk</a>

**Table of Delegations of Licensing Functions**  
**Gambling Act 2005**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING COMMITTEE</b>	<b>CORPORATE DIRECTOR</b>	<b>HEAD OF SERVICE</b>
Three year Licensing Policy review	All cases			
Fee Setting – when appropriate	All cases			
Authority to make minor amendments to the Gambling Act policy statement in conjunction with the Chairman of the Licensing Committee				All cases
Application for Premises Licence		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 have been received or representations have been withdrawn	
Application for a Transfer of a Licence		Where representations have been received from the commission	Where no representations have been received from the commission	
Application for a Provisional Statement		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Authority to make representations to all applications on behalf of the Licensing Authority				All cases
Authority to attach conditions, where relevant, to Premises Licences		All cases where matter has been heard by way of a licensing hearing	All cases - Mandatory /Default Conditions only	

Authority to refuse applications for Premises Licences		All cases		
Authority to process applications for Temporary Use Notices		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to process applications for Club Gaming and Club Machine Permits		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to issue permits for more than 2 machines in Licensed Premises			All cases	
Authority to process application for other Permits			All cases	
Cancellation of Club Gaming/ Club Machine Permits		All cases		
Cancellation of Licensed Premises Gaming Machine Permits			All cases	
Review a Premises Licence		All cases		
Determination as to whether a person is an Interested Party			All cases	
Determination as to whether representations are relevant			All cases	
Determination as to whether a representation is frivolous, vexatious or repetitive			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	

MAP OF BRAINTREE DISTRICT



**Local Area Risk Assessment Example Template**

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

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

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

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

Signed:		Date:	
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Print Name:	
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Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises. (see section 14 of this policy)

Risks: Area of consideration that may impact on one or more of the licensing objectives

Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises

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

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

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

<b>Report Title:</b> Development of a Community Centre, Maltings Lane, Witham	
<b>Report to:</b> Council	
<b>Date:</b> 20 <sup>th</sup> June 2022	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> DP/2022/2
<b>Report Presented by:</b> Councillor Kevin Bowers, Cabinet Member for Housing, Assets and Skills, supported by Councillor Frankie Ricci, Cabinet Member for Communities	
<b>Enquiries to:</b> Aidan Kelly, Interim Head of Strategic Investment <a href="mailto:Aidan.kelly@braintree.gov.uk">Aidan.kelly@braintree.gov.uk</a>	

**1. Purpose of the Report**

- 1.1 The purpose of this report is to present the proposal for the construction of a Community Centre at Maltings Lane (the Project) in Witham, and to add the Project to the capital programme at a value of £4,039,733.

**2. Recommendations**

- 2.1 Council approves the allocation of a capital budget of £4,039,733, inclusive of Section 106 monies, to this Project and that it is added to the Council's capital programme.
- 2.2 Council approves the allocation of £200,000 Section 106 monies, secured by the Council from the Conrad Road development (planning permission number 19/00026/FUL), is allocated to the Project.

**3. Summary of Issues**

- 3.1 As part of the planning process for the Maltings Lane development in Witham it was recognised that the development would create a need for additional community infrastructure to meet the needs of residents. This included the provision of a new hall or building that the community could use for meetings and events. Land was secured from the developer alongside a financial contribution towards the cost of constructing a community building. The Community Land was transferred to Braintree District Council (the Council) under the provisions of the Maltings Lane Section 106 (S106) Agreement. The Agreement specifies that the Council can only use the land for a Community Purpose, which is defined within the agreement as a place of worship; a community centre; a health facility; a sports facility; and/or such other community use as the Council shall consider appropriate.

- 3.2 Further S106 contribution towards the provision of extended community facilities have been secured from other residential developments and a total of £1,568,895 is being held for this purpose. To spend all these contributions the new community facility will need to fulfil certain specific requirements contained within some of these agreements. These S106 requirements include that the new building provides indoor sports facilities and that it will provide changing rooms for the users of the adjoining football pitches.
- 3.3 A further S106 contribution from a residential development at Conrad Road of £200,000 is also proposed to be used for this Project. When the relevant application was reported to Planning Committee, Officers recommended that the S106 contribution should be allocated to contribute towards the Malting Lane Community Centre. The Committee resolution to grant planning permission stated that the Community Building allocation should be spent on new, or improved community facilities in the town of Witham. Officers are not aware of another project in North Witham to provide a new or improved community building. As the Maltings Lane Community Building is intended to be a facility that will serve the whole town, it is recommended that the contribution from the Conrad Road development is allocated to the Maltings Lane project.
- 3.4 In July 2012, a Community Facilities Review was undertaken, and this identified that provision of community facilities in Witham could be expanded and sustained based on the population at that time.
- 3.5 Further, in 2016, the Council undertook a sports facility review, as part of the Local Plan evidence base. This identified that there would need to be an increase in access to community sports halls to meet significant additional demand for sports hall space that would arise from the planned residential growth in the District.
- 3.6 The Council has consulted with local stakeholders to understand the type of community facility needed within Witham and how that could comply with the requirements of the S106 Agreements. A community Stakeholder Group was formed and chaired by the Cabinet Member for Communities. The consultation and stakeholder group identified that there was a preference for a mixed-use hall that combined sports facilities and the ability to use the space for different activities, alongside other flexible space which could be used to provide meeting rooms.

### **Current Position**

- 3.7 A design for the Community Centre, that meets the requirements of the community and the relevant S106 contributions funding criteria, has been completed. This design was costed in March 2022 and the total cost of the project is estimated to be in the region of £4,039,733. This is in excess of the £1,568,895 of S106 funding currently secured to support the project.
- 3.8 It is not possible to build an asset that both meets the community's requirements and the criteria for the use of all the S106 funds within the quantum of those S106 funds, therefore it will be necessary for the Council to make a contribution to the costs of the Project should Cabinet wish to

proceed. The contribution needed from the Council is currently calculated to be £2,270,838 (taking into account the proposed inclusion of the Conrad Road S106 contribution). The current funding breakdown can be seen below:

**Table 1**

	£
S106 Conrad Road	200,000
Other S106 contributions	1,568,895
The Councils capital contribution	2,270,838
	<b>4,039,733</b>

3.9 It is proposed that the Council’s capital contribution is met from the balance of unallocated New Homes Bonus, including from amounts receivable in 2022/23.

3.10 The provision of the community centre has been a long standing commitment made to the community of Witham and links to the Council’s Bouncing Back Together strategy 2021-2023 by delivering on the promise to:

- Grow the district in a sustainable way supported by health, leisure and community facilities;
- Build on the strengths of our communities and what they can do to support themselves and help each other, and;
- Help people to make positive lifestyle choices, increasing their physical and emotional wellbeing

3.11 The proposed operating model for the new community centre would be for a local third sector organisation to operate the facility. This model has been successfully utilised across other community centres in the district and there are organisations that are interested in taking on the role. This would reduce the ongoing revenue costs of the facility to the Council to a minimum, and the operator would keep any revenues to cover these and any costs of their own. A further benefit of this arrangement would be that VAT costs related to the construction of the centre could be reclaimed. It is proposed that an agreement with an operator is put into place ahead of construction commencing. It is expected that there would remain a requirement on the Council to meet any future capital re-investment required, such as planned maintenance. This approach was approved by Cabinet on 16<sup>th</sup> May 2022.

#### **4. Options**

4.1 The Council is constrained by the S106 Agreements and the covenants, entered into when accepting the transfer of the land, as outlined in 3 above.

4.2 The available options are therefore:

4.2.1 Do nothing; i.e. do not proceed with the Project.

If alternative projects cannot be found which comply with the requirements of the S106 agreements then this would result in the Council needing to repay some of the £1,768,895 S106 contributions (including the Conrad Road

contribution). It would result in an adverse local reaction and fail to provide the required community facility for these new developments and Witham as a whole.

- 4.2.2 Postpone the delivery of the Centre until further S106 or other funding becomes available to reduce the capital contribution required of the Council.

Due to time limitations applied to some of the existing S106 contributions, any delay in the delivery of the Maltings Lane project could endanger the use of existing S106 monies and therefore decrease the S106 available for the project, resulting in an increased requirement from the Council's capital resources.

Given current construction cost inflation, any delay to the delivery of the project is likely to see the total cost of the project increase requiring a greater call on the Council's capital resources.

- 4.2.3 Approve the capital contribution and deliver the Centre as currently planned.

This will require the allocation of additional Council funds, which could be used for an alternative purpose.

There is scope for contributions from future other residential developments in Witham to provide further S106 contributions to be used for the Maltings Lane Community Centre, given that S106 agreements can be drafted so that the Council can use future contributions to reimburse capital expenditure that the Council incurs in the delivery of the building. If secured, this would reduce the capital contribution required of the Council.

## **5. Financial Implications**

- 5.1 A total capital budget of £4,039,733 has been calculated for the construction of the centre. This includes construction costs, design and other professional fees, provision of £50,000 for fixtures and fittings, in-house capitalised staffing and interest. The build cost estimate includes allowances for the usual construction related contingencies and risks, but an additional risk allowance has also been included in line with the upper range suggested in the HM Treasury Green Book.
- 5.2 The requested budget excludes VAT on the basis that it is the intention that all appropriate decisions and arrangements will be put in place, including lease terms to a third party operator, which enables all VAT incurred by the Council on the scheme to be recovered from HMRC. The implication of not doing so is an additional 20% cost to the scheme.
- 5.3 Section 106 funds totalling £1,568,895 have been identified as being available towards financing the project. A further £200,000 is recommended by the Cabinet to be applied from the S106 receipt from Conrad Road, Witham, and which is expected to be received by the end of the current financial year. This would take the total available S106 funding to £1,768,895, leaving a capital shortfall to be from the Council's own resources of £2,270,838.

- 5.4 A balance of £2,118,086 of unallocated New Homes Bonus (NHB) is held in reserve as at 31<sup>st</sup> March 2022. A further £1,656,948 is to be received in 2022/23, being the Council's allocation confirmed as part of the annual Local Government Finance Settlement. It is therefore proposed that the shortfall in capital funding for this project is met from the NHB reserve.
- 5.5 If relevant additional S106 funds are received these will be applied to reduce the Council's contribution towards the project or to reimburse those funds that have been used if contributions are received after the centre has been completed, subject to the conditions contained in the relevant S106 agreement.
- 5.6 At the present time arrangements with a third party operator have yet to be agreed and which may include the provision of a peppercorn lease. The extent to which the Council may be exposed to the running costs of the centre is therefore currently uncertain and will depend on the terms agreed with a prospective operator. It is expected that some costs will remain with the Council of c£5,000 and in the event an operator cannot be found, annual running costs have been estimated to be c£41,000. An appropriate level of revenue budget will need to be committed to the facility.
- 5.7 It is likely that the Council will continue to retain liabilities for future capital investment for the centre and will need to reflect this in future planned maintenance programmes.

## **6. Legal Implications**

- 6.1 In progressing with this Project, the Council will have regard to the parameters of the S106 Agreements. The proposals are in line with the permitted use of that identified by those agreements.
- 6.2 The Council will ensure that in taking this Project forward, it has regard to its Procurement Procedure Rules, the Constitution and all relevant legislative provisions.

## **7. Other Implications**

- 7.1 There are no other implications arising from the recommendations in this report.

## **8. Equality and Diversity Implications**

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not

(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

8.3 It is considered that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The building has been designed to be fully accessible and will be available for use by all sections of the local community

## **9. List of Appendices**

None.

## **10. Background Papers**

10.1 Community Halls in the Braintree District – Report on current provision and policy guidance, BDC, 28th July 2015

10.2 S106 Agreement – Land on the South Side of Maltings Lane Witham Essex Planning Reference No.12/01071/OUT

10.3 S106 Agreement – Land at North East Witham Forest Road Witham Essex – Planning Reference No.15/00799/OUT & Phase 2 Land At Forest Road Witham Essex Planning Reference No.17/01092/FUL

10.4 S106 Agreement – Land adjacent to Lodge Farm Hatfield Road Witham Essex – Planning Reference No. 15/00430/OUT

10.5 S106 Agreement – Land at Conrad Road Witham Essex - Planning Reference No. 19/00026/FUL

10.6 [Planning Committee – 9<sup>th</sup> November 2021 Report and Minute 80 – Land at Wood End Farm – 19/01896/OUT](#)

10.7 [Cabinet – 16<sup>th</sup> May 2022 – Report and Minutes](#)

<b>Report Title:</b> Cabinet’s Report to Full Council	
<b>Report to:</b> Council	
<b>Date:</b> 20 <sup>th</sup> June 2022	<b>For:</b> Noting
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> Councillor Graham Butland, Leader of the Council	
<b>Enquiries to:</b> N/A	

1. **Introduction**

This report covers the main activities of all Cabinet Members since the last ordinary meeting of full Council.

2. **Councillor John McKee – Cabinet Member for Finance and Corporate Transformation**

2.1 **Finance Service**

2.1.1 **Collection of Council Tax and Business Rates as at 30<sup>th</sup> April 2022**

**Council Tax collection** – 11.5% compared to 11.4% for last year. Amount collected £12.4m.

**Business Rates collection** – 10.6% compared to 8.4% for last year. Amount collected £4.5m.

2.1.2 **COVID 19 Additional Relief Fund (CARF)**

16<sup>th</sup> May 2022, Cabinet approved the policy under which the CARF funds of £2,973,126 would be distributed, as the Government guidance was that each local authority would set its own policy and criteria to make awards to businesses that were not helped by the earlier schemes. The award would be made by relief of a proportion of their business rate liability for 2021/22. In addition, delegated powers were approved to agree any “top-up” relief under the scheme, should this be necessary.

We continue to promote the scheme as widely as possible and keep uptake under review. Other local authorities in Essex are experiencing similar low level of applications.

2.1.3 **Treasury Management**

The global economic situation is concerning due to rising interest rates, inflation approaching double digit growth, energy costs rising and pay awards on the horizon however returns on short-term investments have continued to increase, 0.6% for

April compared to 0.08% for 21/22. Pooled Funds dividend income remains as expected and the Market value of pooled funds increased in April taking the overall unrealised gain across all funds to circa £3m.

The Finance Team with advice from Arlingclose have been negotiating with the lending bank on the £6 million Lender Option Borrower Option (LOBO) loan. The negotiations were approved by Cabinet as a part of the IDP program and a delegated decision approved moving ahead with the refinancing of the LOBO loans. The agreement was executed on 23 May 2022 leading to a net positive benefit in excess of £1 million over the residual term of the loan.

**2.2 Customer Services**

The average call answering time for February was 33 seconds, with 76% of calls answered within 30 seconds. The average answer time increase was caused by high call volumes immediately following the bank holiday period. The Customer Service Centre (CSC) also covered all Council Tax calls for 2 days in April to allow the Council Tax Team to process £150 Rebate payments. In the month of April, the CSC dealt with 8,179 calls, 830 emails and 3,372 online enquiries. The percentage of calls resolved at first point of contact in the Customer Service Centre is currently 69%.

**2.3 Human Resources**

**2.3.1 People Indicators of Performance**

	20/21 Year End	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	21/22 Cumulative
Total headcount	499	495	492	494	492	
Total staff FTE	449.84	446.07	441.97	443.2	443.82	
Level of employee turnover	5.01%	3.03%	2.24%	2.63%	2.85%	10.75%
Number of leavers	25	15	11	13	14	53
Number of starters	32	11	8	15	12	46
Working days lost to sickness per employee	5.52 days	1.4 days	1.72 days	1.94 days	2.12 days	7.18 days
Percentage of staff with nil sickness	57.1%	84.8%	71.95%	60.53%	54.88%	
Number of learning hours	6114.5	1365.5	1556	2594	160	5675.5
Number of delegates	280	189	169	152	83	593
Number of apprentices	16	16	14	19	19	

**2.4 ICT**

Implementation across the authority continues at a pace utilising Microsoft Teams and Sharepoint to improve the efficiency of staff working under hybrid working. 27 Team sites have been created and have been positively received by staff.

Cyber Security is still a major focus for the council, and the authority remains vigilant

to cyber threats from wherever they may originate. The ICT management are ensuring that all advice is reviewed and prioritised for implementation.

### **3. Councillor Mrs Wendy Schmitt – Cabinet Member for Environment**

#### **3.1 Communications**

##### **3.1.1 Green Heart Champions**

The Council is launching a new community Facebook group for the Green Heart Champions. The idea is to make volunteers feel more a part of the Council's litter picking community and encourage them to share information with one another, as well as to inspire one another to go further in their bid to clear litter. They may also use the channel to arrange larger meet ups to litter pick bigger or problematic areas. Content shared on the group can also be taken with permission and shared on wider channels or with external media to promote the work of the Green Heart Champions.

The group will be a closed network so only those registered as Green Heart Champions can join and post, and it will be administered by the communications team.

#### **3.2 Environment**

##### **3.2.1 Air Quality**

The review of air quality monitoring within the district continues. Two progress meetings have now been held with the consultants and information exchanged to ensure that they are meeting their brief and assisting their progress

##### **3.2.2 Pest Control**

Enquiries are beginning to be received in relation to Brown Tail Moth and Oak Processionary Moth caterpillars. Both species have hairs which are ejected from the caterpillar when they are threatened or disturbed and can cause nasty rashes, eczema and breathing disorders. Our horticulture team use a local company to treat cases on Council land and we are offering advice to land owners on steps that they can take to deal with issues on their property.

##### **3.2.3 Climate Change**

The Climate Change Action Measures will be put to Council on 25<sup>th</sup> July 2022 after they have been seen by the Climate Change Working Group.

On 24<sup>th</sup> May 2022, Councillor Mrs Schmitt attended two climate change events. The first was the Schools Climate Change Challenge which was held at Gridserve. This was a partnership with the District Educational Partnership and Braintree Museum and the schools were requested to show with artwork what Climate Change meant to them. 10 primary and secondary schools entered, and certificates were presented to the winning schools, Honeywood, Gosfield, Notley High and Great Bradfords juniors. Councillor Mrs Schmitt then attended Great Bradfords Junior School, with officers as guests of year 4 who had done the most amazing project regarding littering. They gave remarkable presentations and Councillor Mrs Schmitt was presented with almost 100

letters from the children asking for assistance, all of which she is in the process of reading.

### **3.2.4 Electric Vehicle Charging**

Our sustainability team are continuing to work on the development of electric vehicle charging infrastructure. Projects underway include:

- Enterprise Horizon120 charging units which will be commissioned shortly
- An electric Vehicle charging bid is being developed for Eastern Road car park which will be submitted for Office of Zero Emissions Vehicles (OZEV) funding
- Extending options of rapid chargers at Newlands Witham car park to include Victoria Square and George Yard car parks, Braintree
- Two 22Kw fast EV chargers at Victoria Square have now been commissioned
- Two 22kW fast EV chargers at I-Construct- have now been installed and commissioned

### **3.2.5 Energy Efficiency**

Following the postponement of the energy switching auction, plans are being developed for all residents who have registered on the postponed schemes to attempt an open auction before the October price cap lift. Further details will be provided when they become available.

The third phase of the Sustainable Warmth grant scheme, for which the district has been awarded up to £1.65m funding, commenced 1<sup>st</sup> April. This scheme supports homeowners to introduce energy savings measures in their homes. Scoping and Legal agreements with the provider Warmworks are being completed and the team are currently preparing promotional material for residents.

### **3.2.6 Handyman Scheme**

The Council's Handyman scheme is going well with over 50 visits made between January and March.

### **3.2.7 Food**

The Calorie Labelling (Out of Home Sector)(England)Regulations 2021 came into force on 6 April 22. These Regulations require large businesses (those with 250 or more employees) to display calorie information of non-prepacked food and drink items prepared for immediate consumption (e.g. cafes, restaurants and takeaways etc). Calorie information must be displayed at the 'point of choice' for the customer i.e. on the menu, menu board, online menus and food labels.

Although smaller businesses are out of scope, they are to be encouraged to provide this information on a voluntary basis.

### **3.3 OPERATIONS**

#### **3.3.1 Rural Verge Cutting**

Parish & Town Councils and all District Councillors have been informed that there will only be a single autumn cut of the rural verges over the next 3 years, as agreed by Essex County Council. They have also been informed of the process for requesting ad-hoc safety cuts where visibility at junctions is obscured by overgrown vegetation.

#### **3.3.2 Anglia in Bloom 2022**

Halstead in Bloom has decided not to enter this year's competition. However, the Council is entering some of its land in different categories. Judging will be done virtually, with each entry supported by up to 8 photos showing the entries in their very best light. Entries are being put in for the following areas: -

- Parks – Halstead Public Gardens
- Cemeteries & Graveyards – Colchester Road, Cemetery
- Nature Conservation – Mill Chase & Halstead River Walk

### **3.4 STREET CLEANSING**

#### **3.4.1 Great British Spring Clean 2022**

In late March and into April, the Great British Spring Clean 2022 returned for its seventh year, and the message was simple; take part in Keep Britain Tidy's 'One Bag – Big Difference' campaign and pledge to pick up as much litter as you can during the campaign.

Braintree District Council encouraged local community volunteers and Town/Parish Councils to participate and did its own bit by deep cleansing the 8-mile stretch of the A120 from the Felsted slip roads to Marks Farm roundabout, via Galley's Corner over two weekends of overnight working. Staff litter-picked the verges and central reservation, as well.

Mechanical sweepers cleared over 17 tonnes of road-sweepings from the dual carriageway and staff litter-picked 3 tonnes of general rubbish including 110 bags of litter, plus vehicle debris, roadkill, wooden pallets and fences, arm-chair cushions, a large dog bed, a roll of old carpet, a food waste recycling bin and even a blue wheelie bin from the verges and central reservations.

#### **3.4.2 A12 Working Group**

A new partnership, led by Braintree District Council, has been formed with Brentwood Borough, Chelmsford and Colchester City, and Maldon District Councils aimed at improving cleanliness along the A12 and jointly lobbying the Government to transfer legal responsibility for litter-picking of trunk roads back to National Highways.

### 3.4.3 Number of fly-tips reported

Month	2021/22	2020/21
May	60	65
June	60	104
July	67	69
August	66	67
September	72	66
October	57	62
November	64	73
December	51	49
January	61	67
February	70	61
March	69	79
April	55	78
<b>TOTAL</b>	<b>752</b>	<b>840</b>

### 3.4.4 STREET SCENE ENFORCEMENT

The information below shows the work undertaken by the Enforcement Team from 1<sup>st</sup> February to 30<sup>th</sup> April 2022.

52 - Dog barking complaints

13 - Dog fouling complaints

18 - Stray dogs detained (14 for Braintree District Council and 4 for Uttlesford District Council)

70 - Reports of anti-social behaviour

32 - Reports of littering

12 - Statutory Notices served:

- 1 S34 Environmental Protection Act 1990 - requesting duty of care paperwork
- 4 S108 Environment Act 1995 - requesting information
- 1 for Microchipping
- 1 S59 Environmental Protection Act 1990 requiring waste to be removed from land
- 4 Community Protection Notices
- 1 Closure Notice

10 - Fixed Penalty Notices served for:

- General litter (5)
- Cigarette butt (1)
- Fly Tipping (2)
- Failure to provide duty of care waste transfer notes (1)
- Breach of Community Protection Notice (1)

### 3.5 Skate-Park at Ramsey Road, Halstead

The Half Pipe ramp in the Skate Park has worn so badly that it needs to be removed. An inspection was carried out to ascertain the structural stability of the item and the company concluded that the metal frame had worn so thin that it cannot be safely repaired and is no longer fit for purpose. Given the risk that it may fail in the near future, the Council has taken the decision to remove this piece of equipment to avoid potential accident/injury.

£250,000 has been set aside from S106 monies to fund refurbishments to the skate park.

#### 4. **Councillor Tom Cunningham – Cabinet Member for Economic Growth**

##### 4.1 **Plan for Growth update**

Specialist consultants have been appointed and are now progressing work to provide the evidence base and support with the writing of a new Economic Plan for Braintree District. Workshops with key external stakeholders such as local businesses and education providers will be taking place over the summer and a public consultation on a draft document, which will guide our economic growth plans in the District for the next 5 years, will take place in the autumn.

##### 4.2 **Shared Prosperity Fund update**

The Council has been allocated £1,036,483 from the Government's Shared Prosperity Fund, a fund that replaces previous European Structural Funds, to spend on Levelling Up priorities between now and March 2024. This is a similar amount of money to other authorities in Essex. The Government has given Local Authorities until the 1<sup>st</sup> August 2022 to submit an Investment Plan detailing how they want to spend their allocation based on 41 interventions across three key themes: Community and Place, Supporting Local Businesses and People and Skills. The money is allocated as a mixture of revenue and capital with a defined spend profile over this financial year and the next two. Officers are developing a list of suggested projects at the moment and discussing the potential of collaborating on shared projects with partners. The Investment Plan will be brought to Cabinet for agreement in July before submission to government.

##### 4.3 **North Essex Economic Board (NEEB) Update**

The North Essex Economic Board has been successful in allocating the joint £1.6 million ARG funding provided by government in 2021/22. All projects/programmes are now live with the skills programmes to be the last to go live on 4<sup>th</sup> April 2022.

Business support programmes being delivered by Colbea, Let's Do Business and BEST are continuing to prove popular with businesses in North Essex. The three skills projects being delivered by We Are Digital, Tech Talent and Shaw Trust have started to promote their skills trainings with learners beginning to join the programmes. NEEB has been highly commended at the Go Procurement Awards in the category of COVID-19 Response and Recovery - Local Government. This is a great achievement for NEEB as the procurement awards are highly recognised in the procurement industry. NEEB will be updating their existing economic strategy in the coming months to reflect the post Covid economic landscape of North Essex and to confirm an action plan for future activity.

##### 4.4 **Witham and Halstead town centre improvements**

Subsequent to agreement at March Cabinet that the procurement could progress for the two town centre improvement schemes, work has progressed to update drawings and pull together a tender package for release over the summer. Officers are

engaging with Witham and Halstead Town Councils to ensure they are involved in signing off the proposals before they are procured. Local Ward Members will be offered a briefing in July as to the progress of the project and the next stages.

## 5. **Councillor Kevin Bowers – Cabinet Member for Housing, Assets and Skills**

### 5.1 **Victoria Square**

The scheme is now nearing completion, with the bus interchange, main building, including 23 apartments, the Travelodge, LiveWell Hub, restaurant unit and twin level car parks all completed. The east-block (including more accommodation), public toilets, pharmacy unit and landscaping behind the Town Hall are all expected to be completed by mid-June.

### 5.2 **Horizon 120 - sales update**

The sale of another plot at Horizon 120 was completed on 6<sup>th</sup> May. This development, called EOS, will deliver 9 multi-use and multi-sized grow on space units offering smaller businesses the opportunity to increase their size and operation. Construction of the EOS plot will start on site in August and complete in June 2023. This most recent sale is the seventh plot at Horizon 120 to be sold, with progress continuing to seek buyers for the final three main plots.

### 5.3 **Horizon 120 Enterprise Centre - The Plaza**

Construction work is progressing well with practical completion of the building planned for mid-July. The agent responsible for securing tenants for the office spaces within the Plaza have been appointed and are already talking to prospective tenants. Several potential operators of the café/restaurant have also been identified and negotiations continuing. Several organisations have also already enquired or actively booked events in the meeting and conference room facilities in anticipation of its opening.

### 5.4 **Maltings Lane Community Centre**

Following the Cabinet approval in May, the project is on the agenda for budgetary approval at this meeting of Full Council. Pending Full Council's decision, work is progressing well to programme the submission and determination of planning this autumn with construction planned to begin in early 2023.

### 5.5 **Digigo – On demand electric minibus service**

District Cabinet Members joined Councillor Lee Scott, Cabinet Member for Highways at Essex County Council, and Councillor Peter Schwier, Climate Czar at Essex County Council, at Gridserve on the 13<sup>th</sup> April 2022 for the official launch of the Digigo minibus service. The pilot service is growing in popularity, offering on-demand and bookable minibus journeys linking parts of rural Braintree district and Chelmsford together with key locations and transport hubs. More information on the service and its operational area can be found at [www.essexhighways.org/getting-around/ddrtdigigo/digigo](http://www.essexhighways.org/getting-around/ddrtdigigo/digigo)

## 5.6 Affordable Housing

Following on from our most successful year yet in relation to the delivery of affordable housing, the Council's Housing Enabling team is working hard with planning colleagues to ensure we secure and maintain an appropriate programme of affordable housing to address housing need. There have been significant challenges in the housing and construction market in the last year, and we expect that some of these will continue. The current concerns around cost of living for our residents make it crucial that we continue to find new ways of ensuring affordable housing options and so, despite these challenges, we have committed to keep the target at 250 homes for the year ahead. We will also be reviewing our Housing and Homelessness Strategy this year, to ensure that our plans take into account the current and emerging needs of our communities.

Subject to the housing market remaining healthy, we are confident there will be a minimum of 250 new affordable homes delivered this year (22/23).

## 5.7 Rough Sleeper Initiative – Move on Accommodation

The Rough sleeper initiative is a national scheme aimed at tackling the issues leading to rough sleeping and supporting those who are rough sleeping to find long term sustainable housing options. There are two key accommodation projects in the District that provide move on accommodation which will provide the support people need to move from emergency accommodation into long term tenancies. One of these properties (providing six bed spaces) is now opened and fully occupied. A second property has also been identified and the housing provider is working with Homes England to design the works needed to bring this forward for use, with the aim for this to be available by the end of the year.

## 6. Councillor Mrs Gabrielle Spray – Cabinet Member for Planning and Infrastructure

### 6.1 Development Management Year End Performance Figures

The performance of the development management team continues to be strong and in the year ending the 31<sup>st</sup> March 2022 the Council determined 1,470 planning applications, up 14% on the previous year and 18% from two years ago. The Council determined 85.5% of major applications, 81.7% of minors and 91.5% of 'others' in the time periods prescribed this year. National averages for this year have not yet been published but compared to last year's national averages, the Council is slightly below the average for majors and minors and above the average for 'others', which is the category where over 70% of the applications determined fall into. The performance figures are well above the thresholds for government to consider intervention.

### 6.2 Levelling Up and Regeneration Bill implications for Planning

On 11<sup>th</sup> May 2022, the Government issued the Levelling Up and Regeneration Bill. Many of the proposals within that Bill relate to changes to the Planning system which were consulted upon in the Planning White Paper. Key proposals within the Bill include streamlining and digitising the Local Plan process, with no need to demonstrate a 5 year housing land supply if your plan is less than 5 years old; a new

way of collecting developer contributions from sites (an Infrastructure Levy) which will largely replace the S106 system; national Development Management policies; numerous other changes including to enforcement, heritage and a new Environmental Outcome Report to replace the previous European regulations. The Bill will need to make its way through parliament and many changes will also need further consultation, changes to the National Planning Policy Framework and secondary legislation. Transitional arrangements are due to be published shortly but most changes are not expected to be implemented until at least 2024.

### **6.3 Silver End Conservation Area guide progress**

The internal inception meeting has been held and a meeting was held between the consultants, Parish Council, ward members and the heritage group in early June. The first stage will be to review the Article 4 direction and produce a new Conservation Area appraisal. This will be carried out over the summer and will be considered for approval by Planning Committee once complete. Work will then turn to update the Silver End Guide. The project is on track for completing by the end of this calendar year.

## **7. Councillor Peter Tattersley – Cabinet Member for Health & Wellbeing**

### **7.1 Leisure Contract**

A Deed of Variation was agreed between the Council and Fusion to extend the Leisure Contract; Fusion will continue to manage the Districts' four Leisure facilities until August 2027.

The extension will bring:-

- £1.1million of investment
- Continued commitment from Fusion to improving both physical and mental health for our residents
- Recruitment to new posts in Sports and Community Development which will support the Council's key health and wellbeing strategies.

### **7.2 Dementia Action Alliance**

The Dementia Awareness Week took place 16th–23rd May 2022.

Initiatives to raise awareness of dementia included:-

- The Town Hall was lit up blue every evening during Dementia Awareness week
- A stall erected in George Yard Shopping Centre with various organisations handing out literature and advice
- Free dementia friendly cinema screenings were held at the Halstead Empire
- Braintree District Museum, in partnership with Saffron Hall, launched the 'Together in Sound' sessions (free sessions for those living with dementia and companions to try singing, listening, playing and writing music)

The Town Hall hosted a Jubilee Dementia Friendly Lunch on Monday 30<sup>th</sup> May 2022 and aim to hold a Dementia Friendly Music Train & Tea Event on 21<sup>st</sup> June 2022 repeating the successful train ride from Witham to Braintree followed by refreshments at Braintree Town Hall.

### 7.3 Health & Wellbeing

Workshops have been held with Mid Essex Alliance to consider how Primary Care Networks (PCNs) and partners fit within the evolving health and care system in Braintree. This is an ongoing piece of work that will bring a collaborative approach to addressing the wider determinants of health with a PCN focus.

The LiveWell Strategy is in its final year and work has begun with partners to review the current action plan and put in place a plan to develop a new strategy.

### 7.4 Essex All-Age Carers Strategy 2022-26

Essex County Council has launched a new strategy designed to support unpaid carers of all ages for the invaluable contribution they make to society. At present there are approx. 150,000 unpaid carers in Essex including many in the Braintree District and it is expected that implementing the strategy will make a real difference to the lives of those who give up their time and talents to care for loved ones or friends. For more information please see <https://www.essex.gov.uk/are-you-a-carer>.

### 7.5 District Councils' Network report: Fit for the Future - The Health Value of Wellbeing and Leisure Services - May 2022

In May 2022 we received a report from the District Councils' Network on the Health Value of Wellbeing and Leisure Services. This report sets out the importance of leisure services in relation to health impacts, the economic value of services and how the relationship between health policy, funding and leisure services could develop. As Members will be aware, this is something that is important to us and Fusion are a core partner in the delivery of our LiveWell Strategy. We look forward to seeing how we can continue to use our leisure services to improve the health of the District as part of our review of the LiveWell Strategy this autumn and will share details with Members. <https://districtcouncils.info/wp-content/uploads/2022/05/Fit-For-the-Future-The-Health-Value-of-Wellbeing-and-Leisure-Services.pdf>

## 8. Councillor Frankie Ricci – Cabinet Member for Communities

### 8.1 Queen's Platinum Jubilee

I was delighted to see the fantastic community celebrations that took place over the Queen's Platinum Jubilee bank holiday weekend on Thursday 2<sup>nd</sup> June – Sunday 5<sup>th</sup> June 2022. There was a range of events and activities for residents to enjoy across the Braintree district and the community came together to decorate their homes with Jubilee-themed decorations, host street parties and attend various beacon-lighting ceremonies in their local towns and villages.

The Council also installed three commemorative benches to mark the Platinum Jubilee in Weaver's Park, Halstead Public Gardens and Witham Town Park. A floral display of summer bedding in red, white and blue was created in Braintree and Bocking Public Gardens, Halstead Public Gardens and Witham Memorial Gardens and hanging baskets in Braintree town centre and outside Causeway House in Braintree were refreshed and replanted in a mix of a purple and platinum to complement the celebrations happening across the district. A High Street safari in the three town centres was organised for children to learn about the Jubilee in a fun and

interactive way, we hosted a dementia friendly afternoon tea at the Town Hall and the Braintree Street Market in May was also Jubilee-themed with stalls decorated and market traders selling Jubilee products.

I wanted to express my thanks to all those involved in commemorating the Jubilee in the district, including residents, community groups, local businesses and parish and town councils.

## **8.2 Bocking Windmill**

The windmill was open on Bank Holiday Monday 2<sup>nd</sup> May 2022 as part of the Bocking Village fair. The Friends of Bocking Windmill volunteers were pleased to welcome over 430 guests to the mill throughout the day.

## **8.3 Ride London – ESSEX**

This event featured more than 75,000 cyclists and five different events and saw the event take place in the county for the first time.

Ride London Classique hosted days one and two of the new three-day UCI Women's World Tour road race. Friday 27<sup>th</sup> May 2022 included two laps before finishing in Maldon, touching on a section of road outside Hatfield Peverel (Nounsley). Saturday 28<sup>th</sup> May 2022 (day 2) saw the tour enter the district at Blake End near Great Saling and re-appear later at Great Bardfield and then on towards Finchingfield.

Ride London-Essex 100 - around 25,000 amateur cyclists took on a 100-mile challenge on closed roads in London and Essex, starting on Victoria Embankment, travelling into Essex through Epping Forest, and finishing back in the capital at Tower Bridge. This mass participation touched (1km) on the District as the route crossed the A120 at Blake End near Great Saling.

## **8.4 Volunteer Awards 2022**

The volunteer awards will be returning on 11<sup>th</sup> August 2022 and are an opportunity to say thank you to volunteers for everything they do for the benefit of individuals, families, groups, and the community.

Nominations are now open for the five categories detailed below. Within each category there will be an award for an adult and a young person.

- Long service
- Group
- Inspirational role model
- Going the extra mile
- Covid response

## **8.5 Braintree District Community Safety Partnership**

The Community Safety Partnership action plan for 2022/23 has been agreed by the Responsible Authority Group along with funding from the Office of the Police, Fire and Crime Commissioner.

The priorities for the partnership for 2022/23 are:-

1. Protect the vulnerable
2. Promote healthy relationships
3. Keep safe online
4. Build community resilience
5. Promote safety in our communities

## 8.6 Community Engagement Events

There are three Community Catch Up events scheduled over the next six months as follows:-

- Braintree: Thursday 26<sup>th</sup> May @ Braintree Town Hall
- Halstead: Wednesday 6<sup>th</sup> July @ Halstead Library
- Witham: Thursday 13<sup>th</sup> October @ Witham United Reform Church
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These are free events and include speakers from Essex Police, Essex Fire, scams awareness, carers support, energy support etc. Places must be booked in advance.

## 9. Councillor Richard van Dulken – Cabinet Member for Operations and Commercialisation

### 9.1 Waste & Recycling

A visit has been arranged in late June to the Material Recycling Facility, Great Blakenham, Suffolk, for a number of Members and Officers, to see the process of dealing with the Council's mixed recycling (plastic, cans, paper and cardboard).

The first phase of the government's Waste Reforms known as the Extended Producer Responsibility (EPR) has been delayed and will not be implemented until at least 2024 (rather than 2023 as planned). This scheme is intended to help fund local authorities to collect, process and recycle packaging material.

Our Waste Services Review is still on hold pending a further announcement from The Department for Environment, Food and Rural Affairs (Defra) on the changes to the waste legislation which is linked to the Environment Act 2021 and what the implications will be for the Council's waste collection service.

### 9.2 Licensing

At the recent Cabinet meeting, the proposal for Hackney Cab fare increases was approved to go to consultation.

The Taxis & Private Hire Vehicles (Safeguarding & Road Safety) Act 2022 has been introduced by the government, to ensure visibility of driver licencing records across all Local Authorities.

Licensing has experienced one of the busiest months on record with a high number of Temporary Event Notices being submitted for Platinum Jubilee Events combined with a high number of vehicle and driver applications.

### 9.3 **Parking**

The new car park at The Plaza, Horizon 120, Great Notley, with 125 pay and display spaces, will open in July. Electric Vehicle (EV) charging units will be commissioned for this site and already have been at the other new car park at Victoria Square Braintree.

### 9.4 **Commercialisation**

- Hybrid mail is going to procurement in late May for imminent introduction.
- Traded activity (roundabouts, advertising and bookings for meetings/events) has started the year on positive notes, in particular conferencing at the Enterprise Centre and we have good expectations for The Plaza in coming months.
- The shared payroll service is functioning well and the business case for the further development of the shared procurement hub is at an advanced stage of development and being actively discussed with partners.