

LICENSING COMMITTEE



AGENDA

THIS MEETING IS OPEN TO THE PUBLIC (Please note that this meeting will be audio recorded)

Date: Wednesday, 29th April 2015

Time: 7.15pm

Venue: Committee Room 1, Causeway House, Bocking End, Braintree CM7 9HB

Membership:

Councillor J S Allen	Councillor C Gibson
Councillor M J Banthorpe [Chairman]	Councillor M Green
Councillor J Baugh	Councillor S A Howell
Councillor T G Cunningham	Councillor H D Johnson
Councillor J G J Elliott	Councillor J A Pell
Councillor J H G Finbow	Councillor L S Walters
Councillor M J Fincken	Councillor S A Wilson
Councillor M E Galione	Councillor B Wright

Members are requested to attend this meeting, to transact the following business:-

PUBLIC SESSION

1. **Apologies for Absence**
2. **Declarations of Interest**

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.

3. **Minutes**

To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 4th March 2015. (Copy previously circulated)

4. **Question Time**

(See paragraph below)

5. **Licensing Act 2003 – Statement of Licensing Policy.** (Pages 4 - 63)

6. **Gambling Act 2005 - Gambling Licensing Policy Statement.** (Pages 64 - 134)

7. **Urgent Business.** To consider any matter, which in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

8. **To agree the exclusion of the public and press for the consideration of the following items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.**

At the time of compiling the Agenda there were no items for inclusion in this part of the Agenda.

PRIVATE SESSION

9. **Urgent Business.** To consider any matter, which in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

E Wisbey
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail demse@braintree.gov.uk

Public Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or e-mail demse@braintree.gov.uk at least two working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

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Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended:.....Date of Meeting:.....

Comment:.....
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Contact Details:.....

BRAINTREE DISTRICT COUNCIL'S REVISED LICENSING ACT 2003 STATEMENT OF LICENSING ACT POLICY		Agenda No: 5
Corporate Priority: Building a prosperous district – support businesses		
Report presented by: J Meddings (Licensing Officer)		
Report prepared by: D Mellini Environmental Health Manager (Food, Health & Safety and Licensing)		
Background Papers:		Public Report: Yes
<ol style="list-style-type: none"> 1. Braintree District Council Draft Licensing Act 2003 Statement of Licensing Act Policy (Appendix 1) 2. Equality Impact Assessment (Appendix 2) 3. Licensing Act 2003 4. Guidance issued under S.182 of the Licensing Act 2003 5. Police Reform and Social Responsibility Act 2011 6. The Live Music Act 2012 7. The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 8. Deregulation Act 2015 9. The Legislative Reform (Entertainment Licensing) Order 2014 		
Options:		Key Decision: No
To approve the draft Licensing Act 2003, Statement of Licensing Act Policy (with amendments deemed appropriate by members) and to seek approval for consultation. (Appendix 1)		
Executive Summary:		
To consider the revised Braintree District Council Licensing Act 2003 Statement of Licensing Policy and seek approval for consultation.		
Decision		
That the draft statement of Licensing Act 2003 policy with amendments is approved for consultation.		
Purpose of Decision:		
To commence the consultation process on the revised Braintree District Council Licensing Act 2003 Policy Statement.		

Corporate Implications	
Financial:	The principle behind modifying the policy is to minimise any risk of a judicial review from an aggrieved applicant.
Legal:	Failure to adopt a policy in line with the Licensing Act 2003 will result in the Council not able to administer the licensing functions under the Licensing Act 2003.
Safeguarding:	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
Equalities/Diversity:	An Equality Impact Assessment has been completed and is attached to the report at Appendix 2. The responses to the consultation process may result in issues which will need to be considered.
Customer Impact:	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
Environment and Climate Change:	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
Consultation/Community Engagement:	<ul style="list-style-type: none"> • It is proposed to consult in writing with all stakeholders as highlighted in section 2. • The period of consultation will last for twelve weeks in order to give all of the identified stakeholders an opportunity to comment on the proposals and will start in May 2015. • The draft policy will be placed on the Authority's website for comment for the duration of the consultation period.
Risks:	None arising out of this report. The responses to the consultation process may identify possible risks.
Officer Contact:	
Designation:	J Meddings (Food, Health & Safety and Licensing)
Ext. No.	2213
E-mail:	john.meddings@braintree.gov.uk

1. Background

- 1.1 Section 5 of the 2003 Act requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 1.2 During the five-year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the Licensing Authority determines and publishes its policy in this way, a new five-year period commences on the date it is published.
- 1.3 Guidance also states “Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own licensing policy statement are appropriate”.
- 1.4 The Council last reviewed the Licensing Act 2003 “Statement of Licensing Act Policy” in 2010, which took effect on 7th January 2011.
- 1.5 Since the last review of the policy there have been a number of significant changes to the Licensing Act 2003 by amendments made through the introduction of the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, the Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014.
- 1.6 There have also been a number of amendments to the Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003.
- 1.7 The Council, in accordance with its duties under the Licensing Act 2003, will now start the process of reviewing the existing policy with amendments with a view to publishing it by 7th January 2016.
- 1.8 The re-published policy will 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 five years.
- 1.9 Whilst there have been significant changes to legislation which will be reflected in technical changes to the policy, the Authority does not propose to introduce any new initiatives or special policies at this time. Should new policy initiatives or special policies be considered within the next policy period, the existing policy will be reviewed accordingly.

2. Consultation

- 2.1 A draft statement of Licensing Act 2003 policy, which is based upon the Essex Authorities generic framework, will be available for public consultation following this Committee meeting and for a period of 12 weeks.

- 2.2 Letters advising of the consultation will be sent to Responsible Authorities, Members and other persons who would have an interest in the policy, including businesses who are currently holders of a premises licence.
- 2.3 The policy will also be made available for viewing via the Council's website.

3. Equality Impact Assessment

- 3.1 In accordance with the Authority's obligations under the Equalities Act 2010, a draft Equality Impact Assessment (Appendix 2) has been completed in relation to this policy to determine the possible implications on equality.
- 3.2 The draft assessment has determined that the policy intends to treat everyone equally.
- 3.3 Should the results of the consultation highlight that the draft Equality Impact Assessment does not treat everyone equally; the assessment will be reviewed and amended accordingly.



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

2016

FOREWORD

This is the fourth Statement of Licensing Policy produced by Braintree District Council under the Licensing Act 2003. Since the adoption of the third statement in 2011, there have been a number of minor and more significant amendments to the Act, which have both strengthened powers to local Authorities and protections for communities but also deregulated certain activities in certain circumstances.

Some of the more notable amendments include the Licensing Authority being added as a Responsible Authority, the imposition of additional mandatory conditions, removal of the vicinity test in the consultation process, a summary review procedure in cases of serious crime or disorder, new offences and powers in relation to underage sales, the introduction of measures including Early Morning Restriction Orders and the Late Night levy, The removal of the requirement for certain community premises to have a designated premises supervisor, a simplified variation procedure, the deregulation of regulated entertainment in certain instances, including Live music, revision of the Temporary Event Notice provisions, the introduction of the concept of a Trusted Provider and the changes to the personal licence system which includes the abolition of renewals.

References in this statement to the Licensing Act 2003 are references to the Act as amended. This Statement sets out the general approach the Authority will be taking when making licensing decisions during the five year period up to January 2021. This Policy explains how the Council, acting in its capacity as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that local residents and communities need and expect.

The Licensing Authority recognises its key role in dealing with the consequences of over drinking, subsequent crime and antisocial behaviour and by working with our partner organisations has continued to achieve some notable successes in this area. Whilst it is accepted that the majority of the public are well behaved and responsible, we must not let a minority of badly behaved and inconsiderate individuals spoil life for the majority.

The Licensing Authority recognises how important the leisure and entertainment industry is to the economic and social well-being of the district and well-run businesses will get the support of the Authority. Applications for new leisure developments that are well planned and where issues such as crime and disorder, transport and public safety are considered early in the planning process are welcomed. However, the Licensing Authority has demonstrated on a number of occasions that it will not hesitate in dealing firmly where problems of anti-social behaviour fuelled by excess alcohol and other issues, such as the sale of alcohol to minors, exist.

This Policy will be kept under regular review and it will no doubt continue to change over a period of time to reflect local issues and circumstances. The Licensing Authority will seek through the licensing process and the decisions it takes, to make the Braintree District a safe and welcoming place for residents and visitors to live and visit.

Councillor Mike Banthorpe
Chairman, Licensing Committee

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1.0 INTRODUCTION

Introduction

- 1.1 Braintree District Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 When assessing applications, other than personal licences the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. Bold type refers to matters that the Licensing Authority expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome. When assessing applications for Personal Licences the four licensing objectives will apply and the Licensing Authority must be satisfied that the tests established by the 2003 Act are fulfilled.
- 1.3 However, it should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.
- 1.4 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private life; and
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions

The Licensing Objectives

- 1.5 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children From Harm

These are the only objectives that may be taken into account when determining applications for licences and conditions applied will be those necessary for achieving these objectives.

- 1.6 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**

Statement of Licensing Policy

- 1.7 The 2003 Act requires that the Licensing Authority publishes a ‘Statement of Licensing Policy’ that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.8 This ‘Statement of Licensing Policy’ has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It has been drafted in partnership with the Essex Joint Licensing Officers’ Forum and the Braintree District Community Safety Partnership. This partnership provides a link to Safer Essex who will maintain a strategic overview of issues associated with permissions issued under the Licensing Act 2003, as amended.
- 1.9 In 2011 the Government made changes to the Licensing Act 2003 which now requires the local Authority to review its policy at least every five years. This Policy Statement takes effect on 7 January 2015 and will remain in force for a period of not more than 5 years. It will be subject to regular review and further consultation prior to January 2020.
- 1.10 The Authority must publish the policy before it carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.

Consultation

- 1.11 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

- 1.12 In developing this Policy Statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), Director of Public Health for Essex, the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.
- 1.13 In writing this policy, the Authority has taken care to ensure that the policy is consistent with the provisions of the 2003 Act.

Links to other Strategies

- 1.14 In preparing this statement of licensing policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy. The Local Strategies to which this policy references and under which consultations have proceeded are listed at Appendix 2. In considering applications, the Licensing Authority and applicants should recognise the value of the objectives the strategies seek to promote.
- 1.15 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 1.16 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 1.17 The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The impact of this policy on race relations will be monitored through the Council's race equality scheme.

Regulated Entertainment

- 1.18 Having regard to the Council's Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. The Licensing

Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children.

Applications

- 1.19 When considering applications, the Licensing Authority will have regard to
- the Licensing Act 2003, as amended and the licensing objectives,
 - Government guidance issued under Section 182 of the Licensing Act 2003, as amended.
 - any supporting regulations
 - this statement of licensing policy
- 1.20 This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.21 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority.
- However, applications for premises licences for permanent commercial premises should normally be from businesses with planning permission, a lawful development certificate or where an application for planning permission or certificate has been made for intended use of the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)
- 1.22 In the case Where Braintree District Council is required to apply for a premises licence, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.
- 1.23 In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 1.24 Appendix 6 provides applicants with the details of the application process, having regard to the Licensing Act 2003 as amended, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an

explanation of why it is incomplete. An application will only be deemed to be properly served if it has been served as follows:-

(a) By post and sent to the address shown below:-

Licensing
Braintree District Council
Causeway House
Braintree
Essex
CM7 9HB

or

(b) Delivered in person to the above address during normal office opening hours, when a receipt will be issued.

(c) Has been sent to the Licensing Authority by electronic means, in accordance with the EU Services Directive via the Governments web portal Gov.uk <https://www.gov.uk/>

Representations

- 1.25 **The relevant Licensing Authority, Chief Officer of Police, the local fire and rescue Authority, the Enforcing Authority under the Health and Safety at Work Act 1974, the local authority with responsibility for Environmental Health, the local planning authority, the Essex Safeguarding Children's board, the relevant Director of Public Health and Trading Standards** are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications for premises licences and club premises certificates, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 1.26 In addition to the "Responsible Authorities" specified above any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing Authorities in relation to applications for the grant, variation, or review of relevant premises regardless of geographic proximity to the premises. Any representation must be 'relevant', in that the representation relates to one or more of the licensing objectives and must not be considered frivolous or vexatious.
- 1.27 In reference to 1.26 above, representations can be made by persons in their own right but may also request that a representative make a representation on their behalf, a representative may include a legal representative, a friend, a member of parliament, or a local ward or parish councillor who can all act in such a capacity. The list is not exhaustive and may include other examples.
- 1.28 The Authority will make an assessment as to the "relevancy" of any representation if it relates to the likely effect of the grant of the licence on the

promotion of at least one of the licensing objectives. Representations related to variations should be confined to the subject matter of the variation only.

- 1.29 With respect to representation received from parties other than “Responsible Authorities” the Authority will make an assessment as to whether the representation is frivolous or vexatious. The Authority would consider would make a judgement in each instance which would be on the basis as to whether the objection would cause aggravation or annoyance whether to a competitor or other person without reasonable cause or justification.
- 1.30 In the case where a person(s) are aggrieved that their representation has been discounted on the grounds that the representation is frivolous or vexatious can make a complaint via the Council’s Corporate Complaints procedure or via judicial review.

Conditions

- 1.31 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
- 1.32 Braintree District Council acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:
- planning controls
 - positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices

- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from children and adults in designated areas
- police powers to close (extendable to 48 hours) any licensed premises in respect of which a temporary events Notice has effect -on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or other persons to seek a review of the licence or certificate in question
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders
- The use (where appropriate) of Public Space protection orders (PSPO) as provided by the Anti-social Behaviour Crime and Policing Act 2014 to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality

1.33 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

1.34 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will therefore be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.

Delegation of Functions

1.35 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how the licensing authority intends to approach its various functions is attached at Appendix 8. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

The Need for Licensed Premises

1.36 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns as an example the commercial demand for another pub, restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Cumulative Impact of a Concentration of Licensed Premises

- 1.37 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 1.38 Cumulative impact policies may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.
- 1.39 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 1.40 The Licensing Authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.
- 1.41 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.**
- 1.42 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Advice and Guidance

- 1.43 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the 2003 Act, provide and welcomes the diversity of activities that are provided by licence holders. In respect of new businesses and developments involving licensable activities, the Licensing Authority welcomes an early opportunity to offer advice and guidance; this includes prior to seeking planning permission. At this stage, it is often easier and more cost effective to integrate such issues as crime and disorder, transport and public safety into the early design stages. With regard to existing businesses, discussions, prior to submitting an application under the 2003 Act, will be encouraged to assist applicants to develop their operating

schedule. Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.

- 1.44 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss the proposal with the licensing team and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.
- 1.45 Appendices 3 and 5 provide contact details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises/event.

Reviews

- 1.46 The review process represents a valuable protection mechanism for the community where problems associated with the licensing objectives occur with regards a particular premises.
- 1.47 A review can be triggered at any time following the grant of a premises licence or club premises certificate. The review can be initiated by a responsible authority or other persons due to a matter arising at the premises relating to at least one of the four licensing objectives.
- 1.48 In instances where the Police have made the premises the subject of a closure order based on nuisance or disorder and the magistrates court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and disorder.
- 1.49 Where possible and appropriate the Licensing Authority, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.50 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.51 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.

- 1.52 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.
- 1.53 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.
- 1.54 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
- 1.55 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
- 1.56 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.

2.0 LICENSING OBJECTIVES

2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**

2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises. In most situations it is good practice that a documented risk assessment would support the operating schedule.

2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**

2.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this**

reason, these elements should be specifically considered and addressed within an applicant's operating schedule. For example, it would be good practice for applicants to maintain a register of all personal licence holders working at the premises including names, addresses, licence number and issuing licensing authority.

2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in appropriate instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**

2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

2.9 The Licensing Authority will consider applications for minor variations to premises licences, provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives and the Licensing Authority will consult with Responsible Authorities whom they deem necessary to make such assessment.

2.9.1 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

3.0 PREVENTION OF CRIME AND DISORDER

- 3.1 Braintree District Council is committed to further improving the quality of life for the people of the District of Braintree by continuing to reduce crime and the fear of crime. In preparing their operating schedules applicants will be expected to take account of Braintree District Council Community Strategy document together with any annual review documents. Copies are available on request.
- 3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Braintree District Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 as amended, reinforces this duty for local authorities.
- 3.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.** (For the term “in the vicinity”, see paragraph 1.24)
- 3.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. For guidance purposes these may include:
- Underage drinking
 - Drunkenness on premises
 - Public drunkenness
 - Drugs
 - Violent behaviour
 - Anti-social behaviour
- 3.5 The following are intended to be examples of “control measures”. These are merely given to assist applicants who may wish to take account of them when preparing an operating schedule.
- Effective and responsible management of premises
 - Training and supervision of staff
 - Adoption of best practice guidance (e.g. Safer Clubbing, the National Safe Sensible Social Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
 - Local Alcohol Harm Reduction Strategy
 - Acceptance of accredited ‘proof of age’ cards e.g. PASS, locally approved ‘proof of age’ cards e.g. ‘Prove It’ and/or ‘new type’ driving licences with photographs
 - Provision of effective CCTV in and around premises

- Employment of Security Industry Authority licensed Doorstaff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar organisations

3.6 Where applications are made for premises licences involving the supply of alcohol at sporting events, such as football grounds or premises for wrestling or boxing, the Licensing Authority will consider each application on its individual merits.

Applicants should consider in their operating schedule the individual characteristics of these premises and events and the particular nature of control measures that may, for example, be needed relating to the supply/consumption of alcohol in the grounds/at seats/ on the terraces of sporting events. Any applications of this nature will be considered particularly carefully by the Licensing Authority.

3.7 Within the operating schedule for premises from which alcohol will be sold (with the exception of qualifying community premises), a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally attend the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training, or have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

3.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder, (see appendix 6 for details regarding the application process and timescales for the submission of Temporary Event Notices).

4.0 PUBLIC SAFETY

4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

- 4.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (e.g. age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- 4.3 The following are intended to be examples of “control measures”. These are merely given to assist applicants who may wish to take account of them when preparing an operating schedule:
- Suitable and sufficient risk assessments
 - Effective and responsible management of premises
 - Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide.
 - Provision of effective CCTV in and around premises
 - Provision of toughened or plastic drinking vessels
 - Implementation of crowd management measures
 - Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety, where not required by other legislation

5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening. The Licensing Authority will treat each case on its individual merits, however generally within areas having denser residential accommodation, or where relevant representations are received, the Licensing Authority will have particular regard to the potential for, and risk of nuisance occurring, when considering an application for opening after 23.00 hours. If appropriate, the Licensing Authority will impose stricter conditions to promote the licensing objective for the prevention of public nuisance.**
- 5.4 The Licensing Authority will consider each application on its individual merits. Where, in the individual circumstances of an application, the applicant has considered that such a report is not necessary the operating schedule should show what steps will be taken to negate the effect of any noise created on the surrounding residential community.**
- 5.6 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are good reasons for restricting those hours, relating to the prevention of crime and disorder and public nuisance, where relevant representations are made by an interested party or responsible authority. (For example, a limitation may be appropriate following police representation in the case of outlets known to be a focus of disorder and disturbance)
- 5.7 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.8 The following are intended to be examples of “control measures”. These are merely given to assist applicants who may wish to take account of them when preparing an operating schedule:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - the occupancy capacity of the premises
 - the availability of public transport

- the length of time available between the end of the licensable activities and closure of the premises
- last admission time (premises charging for admission)
- arrangements for the proper collection and disposal of litter and waste in the vicinity of the premises (where relevant the Licensing Committee may place conditions on premises licences to this effect)

5.9 The following are intended to be examples of “control measures”. These are merely given to assist applicants who may wish to take account of them when preparing an operating schedule.

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers (larger Night Clubs)
- Siting of external lighting (including security lighting) sited on the premises
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour

6.0 PROTECTION OF CHILDREN FROM HARM

6.1 The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

6.2 The general relaxation in the Licensing Act as amended, giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability

includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger. This applies to premises licensed under the Licensing Act, 2003, as amended, only and not those fully licensed and regulated as sexual encounter venues under the Local Government (Miscellaneous Provisions Act) 1982.

- 6.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 6.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 6.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:
- where entertainment or services of an adult or sexual nature are commonly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - premises with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises, and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 6.7 The following are intended to be examples of “control measures”. These are merely given to assist applicants who may wish to take account of them when preparing an operating schedule:
- Effective and responsible management of premises
 - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
 - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
 - Adoption of best practice guidance (The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)

- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of strong and offensive language, violence or disorder

These examples can be adopted in any combination.

6.8 In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

6.9 If considered appropriate, the licensing authority may require that adult supervisors be checked for suitability to work with children.

6.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

The Braintree District covers 236 square miles of north Essex and is the second largest district, in area, in Essex. Largely rural in character, it stretches from the Stour Valley/Suffolk Border in the north, to the Chelmer Valley and Chelmsford in the south. Just over half the total population of 149,108 (2013 Mid-Year Population Estimate from Office of National Statistics) live in the three main towns of Braintree, Halstead and Witham and the remainder in the villages, which make up the 54 parishes.

The administrative centre is Braintree, a market town on the A131 and A120, the main east coast route linking Braintree with the M11 and Stansted Airport, which lie just to the west of the District. The A120 has in part been upgraded to improve access to Stansted Airport and the M11.

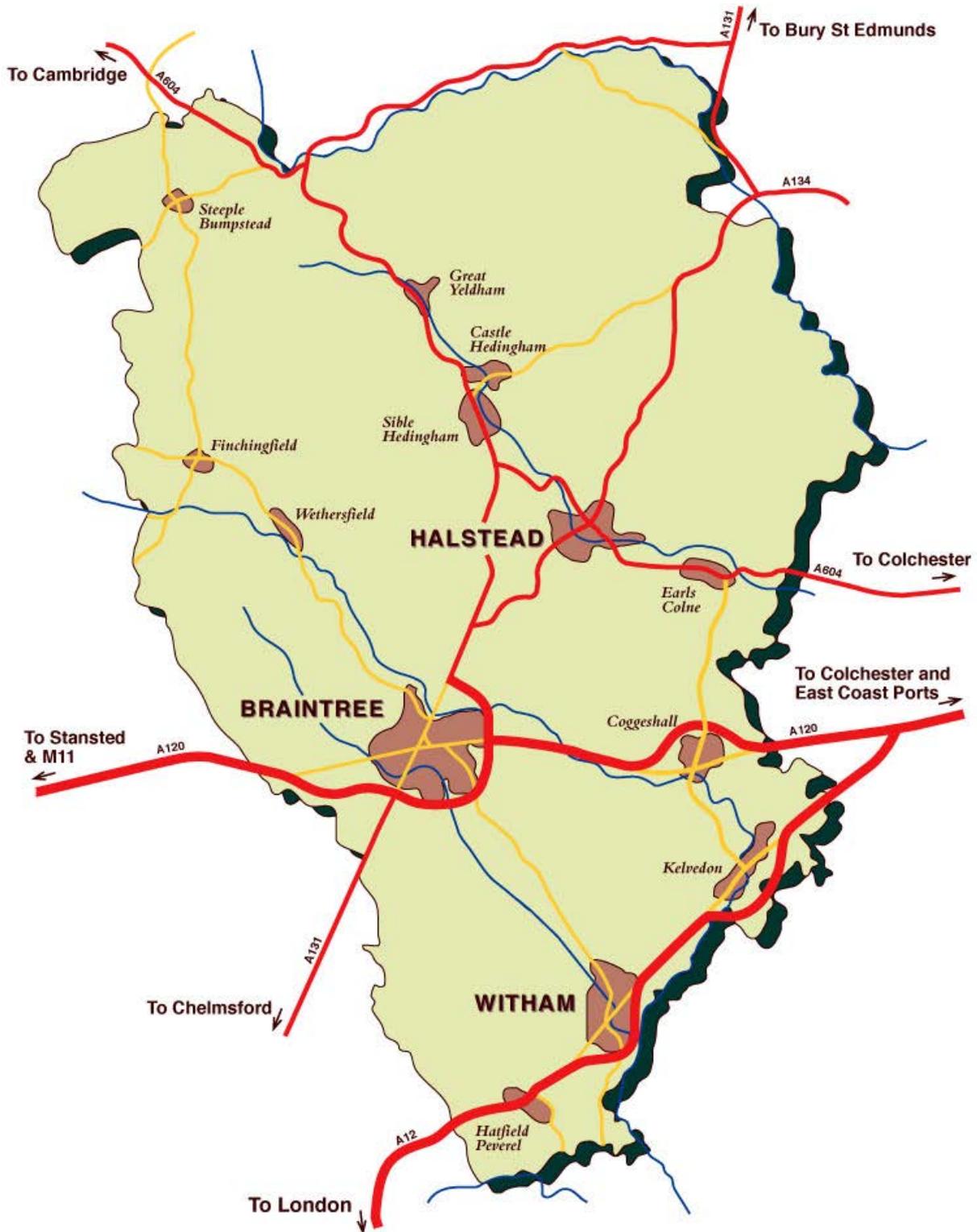
Freeport factory outlet village constructed on the outskirts of East Braintree provides a major shopping and leisure facility. The centre features expansive retail shopping, a 12 screen multiplex cinema, bowling alley, several restaurants, nightclub facilities and swimming pool complex.

Witham is the second largest town and is located in the south of the District on the main line from Liverpool Street to East Anglia. It provides a diverse landscape with its historic High Street, attractive outlying villages, a major trunk road and significant new development. A key feature is the new Maltings Lane development of 850 dwellings comprising residential areas, a business park, a primary school, neighbourhood centre and community facilities.

Halstead is a small, historic country market town serving the northern half of the District. Situated in a conservation area along the Colne Valley, the town supports residential area, thriving High Street shopping, restored Public Gardens, its own Theatre/Cinema and a swimming pool complex. It has a developing café culture and several evening entertainment establishments and traditional public house/inns. The town has potential for future small residential and commercial developments.

The District has a wide diversity of cultural backgrounds and interests with thriving village and urban communities affording many facilities for leisure and entertainment for both residents and visitors.

MAP OF BRAINTREE DISTRICT



Connections between the licensing policy and other Council policies

This policy is consistent with and is informed by the following policy documents:

1. The Braintree Community Safety Strategy 2015/16
2. The Braintree District Cultural Strategy
3. Braintree District Economic Development Prospectus 2013 – 2026
4. One District - One Vision - A strategy for people and places in the Braintree District
5. People Strategy
6. Braintree District Council Local Development Framework Core Strategy
7. National Planning Policy Framework
8. National Planning Policy Guidance
9. Essex Transport strategy 2011
10. Braintree District Corporate Strategy 2012 – 2016
 - **Place** - Ensuring that our district is a good place to live, work and play
 - **People** - Looking after the people and communities in our district
 - **Prosperity** - Ensuring that our economy grows sustainably
 - **Performance** - Providing excellent, cost effective and valued services for our customers
 - **Partnerships** - Delivering better outcomes by working with others

References to Guides and Best Practice

Appendix 3

Guidance Issued under Section 182 of the Licensing Act 2003	www.direct.gov.uk www.hmso.gov.uk
The Alcohol Strategy	www.direct.gov.uk
Regulator's Compliance Code	www.berr.gov.uk
Environmental Health Enforcement Policy	www.braintree.gov.uk
Essex Licensing Enforcement Protocol	www.basildon.gov.uk
Safer Clubbing	www.drugs.gov.uk
The National Alcohol Harm Reduction Strategy Toolkit	www.hmso.gov.uk
The Point of Sale Promotions	www.beerandpub.com
Security in Design	www.beerandpub.com
Drugs and Pubs	www.beerandpub.com
Fire Safety Risk Assessment Guides: Guide 6 – Small and Medium Places of Assembly Guide 7 – Large Places of Assembly Guide 9 – Open Air Events and Venues	www.communities.gov.uk
The Event Safety Guide	www.hse.gov.uk
Good Practice Guide on the Control of Noise from Pubs and Clubs	www.ioa.org.uk
Licensed Property: Noise	www.beerandpub.com
The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks The Retailer Alert Bulletin	www.portman.group.org.uk
British Institute of Innkeepers Best Practice Training Qualification Door Supervisors Personal Licence Holders Other Bar Staff	www.bii.org

Contact Details of Responsible Authorities

- | | | |
|----|---|---|
| 1. | Licensing Authority | <p>Licensing Manager
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB</p> <p>Tel: 01376 557790
E-mail: licensing@braintree.gov.uk</p> |
| 2. | Police | <p>Licensing Section
Essex Police
Police Station
Blyths Meadow
Braintree
Essex CM7 3DJ</p> <p>Tel: 01376 551312
E-mail: cdnorthlicensing@essex.pnn.police.uk</p> |
| 3. | Fire Brigade | <p>The Community Commander
Essex County Fire and Rescue Service
Braintree and Uttlesford
Fire Station
Railway Street
Braintree Essex, CM7 3JD</p> <p>Tel: 01376 345537
E-mail: braintreesdp@essex-fire.gov.uk</p> |
| 4. | The Body Responsible
For the Protection of
Children from Harm | <p>Head of Child Protection
(Licensing Applications)
Essex County Council
PO Box 297
Chelmsford
Essex CM1 1YS</p> <p>Tel: 01245 341932
E-mail: licenceapplications@essexcc.gov.uk</p> |

5. Environmental Health (Pollution) Environmental Health
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB
- Tel: 01376 551414 ext 2223
E-mail: envpro@braintree.gov.uk
6. Environmental Health (Health & Safety) Environmental Health
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB
- Tel: 01376 551414 ext 2221
E-mail: healthprotection@braintree.gov.uk
- 6a. Health/Safety Executive Operations Manager
Health and Safety Executive
Wren House, Hedgerows Business Park
Colchester Road
Springfield, Chelmsford
Essex CM2 5PF
- Tel: 01245 706200
Web: www.hse.gov.uk
7. Planning Authority Development Services Manager
Development Services
Braintree District Council
Causeway House
Bocking End
Braintree Essex CM7 9HB
- Tel: 01376 552525
E-mail: Plancomments@braintree.gov.uk
8. Trading Standards Essex Trading Standards
Essex County Council
CG32, County Hall
Market Road
Chelmsford CM1 1QH
- Tel: 0845 6037626

9. Director of Public Health

Melissa Rawlinson
Licensing Officer
Public Health Team
E2 County Hall
Chelmsford
CM1 1LX

Tel: 01245 431855

E- mail: melissa.rawlinson@essex.gov.uk

Contact details and useful addresses

1. Arts Council England
14 Great Peter Street
London SW1P 3NQ

Tel: 0845 300 6200
E-mail: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk

2. Association of Licensed Multiple Retailers
9b Walpole Court
Ealing Studios
London W5 5ED

Tel: 0208 579 2080
E-mail: info@almr.org.uk
Web: www.almr.org.uk

3. Braintree District Arts
Room B 2nd Floor,
36 George Yard Shopping Centre
Braintree
Essex CM7 1RB

Tel: 01376 550373 (Office hours only)
E-mail: info@braintreedistrictarts.org.uk
Web: www.braintreedistrictarts.org.uk

4. British Beer and Pub Association
Market Towers
1 Nine Elms Lane
London SW8 5NQ

Tel: 0207 627 9191
E-mail: web@beerandpub.com
Web: www.beerandpub.com

5. British Board of Film Classification
3 Soho Square
London W1 D 3HD

Tel: 0207 440 1570
E-mail: helpline@bbfc.co.uk
Web: www.bbfc.co.uk

6. British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey GU15 3PT

Tel: 01276 684449
E-mail: reception@bii.org
Web: www.bii.org

7. Equality & Human Rights Commission
Fleetback House
2-6 Salisbury Square
London EC4Y 8JY

Tel: 0207 8327800
E-mail: Correspondence@equalityhumanrights.com
Web: www.equalityhumanrights.com

8. Essex Chamber of Commerce
2nd Floor
Viscount House
London Southend Airport SS2 6YF

Tel: 01702 716000
Email: info@essexchambers.co.uk
Web: www.essexchambers.co.uk

9. Community Safety Partnership
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB

Tel: 01376 552525
E-mail: tracey.parry@braintree.gov.uk
Web: www.braintree.gov.uk

10. Racial Equality Council
Lower Ground Floor
Civic Centre
Victoria Avenue
Southend on Sea
Essex SS2 6EP

Tel: 01702 333351
E-mail: southend@essex-rec.co.uk
Web: www.essexrec.org.uk

11. Essex Trading Standards
Essex County Council
CG32
County Hall
Market Road
Chelmsford CM1 1QH

Tel: 0845 6037626
E-mail: info@essex.gov.uk
Web: <https://www.essex.gov.uk>

12. Equity
Guild House
Upper Martins Lane
London WC2H 9EG

Tel: 0207 379 6000
E-mail: info@equity.org.uk
Web: www.equity.org.uk

13. Institute of Acoustics
3rd Floor St Peters House
45-49 Victoria Street
St Albans
Hertfordshire AL1 3BN

Tel: 01727 848195
E-mail: ioa@ioa.org.uk
Web: www.ioa.org.uk

14. Musicians Union
60-62 Clapham Road
London SW9 0JJ

Tel: 0207 840 5537
E-mail: eastsoutheast@musiciansunion.org.uk
Web: www.musiciansunion.org.uk

15. Security Industry Authority
PO Box 8
Newcastle upon Tyne NE82 6YX

Tel: 08702 430100
E-mail: info@the-sia.org.uk
Web: www.sia.homeoffice.gov.uk

16. The Portman Group
7-10 Chandos Street
Cavendish Square
London W1G 9DG

Tel: 0207 907 3700
E-mail: info@portmangroup.co.uk
Web: www.portmangroup.org

DETAILS OF APPLICATION PROCESS

GENERAL INFORMATION

1. GRANT OF A PREMISES LICENCES

All applications to be made under the provisions of the Licensing Act 2003, as amended, must be made in the form specified by the Secretary of State.

Electronic Applications

The EU Service Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.

This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

Applicants wishing to submit an online application, should follow the attached link:

<http://www.braintree.gov.uk/info/200249/licensing>

General guidance notes regards making an application can be located via the Council's website on www.braintree.gov.uk.

On receipt of an application, the Licensing Authority will check the form and the accompanying documents to ensure that their copy of the application is complete. If the application is not complete, the application will be rejected and all documentation, including the fee, will be returned to the applicant together with an explanation of why the application cannot be accepted. If the application is submitted electronically and is found not to be complete the applicant will be notified, by e-mail, that the application has been rejected.

Copies of all applications submitted to the Licensing Authority must also be forwarded to the Responsible Authorities as detailed in the Guidance Notes at the same time that the application is sent to the proper office of the Licensing Authority as shown in the Licensing Policy. The Responsible Authorities' contact details are also included in Appendix '4' attached to the Licensing Policy. An application is not

deemed as complete unless the Responsible Authorities have been served and received a copy of the application, together with any supporting documents and plan(s) of the premises, on the same day that the application is submitted to the Licensing Authority. For applications submitted online the Licensing Authority will forward copies of complete applications to the Responsible Authorities.

The Licensing Authority will notify the Responsible Authorities that an application has been received and will request confirmation that they have received their copy. If a copy of the application has not been received by any of the consultees by noon the day following the submission of the application to the Licensing Authority, the application will be rejected and all documents, including the fee received by the Licensing Authority will be returned. This will mean that the applicant will have to submit a completely new application.

If the application is confirmed as being complete, with the Responsible Authorities having received their copy of the application together with any supporting documentation, then the timescale laid down by the Government will commence, namely, that an application for the grant or variation of a Premises Licence must be determined within a period of two months from the date a complete application is received, otherwise the application will be deemed as granted (under the EU Services Directive this is known as a Tacit Consent).

The applicant and the Licensing Authority will be informed by the relevant consultee whether or not the application is valid, i.e. that their relevant Licensing Objective has been fully met within their business Operating Schedule and if a representation [objection] is to be lodged. If a representation is received a date will be set for the application to be heard by one of the Premises/Personal Licences Sub-Committees. In the meantime, the applicant and the consultee will be expected to meet and negotiate with a view to that representation being withdrawn and therefore remove the necessity for a Hearing to take place.

On the day that the application has been submitted, a notice to that effect has to be displayed on the premises for a period of 28 days so that members of the public may be aware that an application has been submitted to the Licensing Authority allowing them to make representations if they so wish. The notice must be coloured blue and shall be no less than a minimum of A4 in size with a type size of not less than 12 pitch. The application will also be required to be advertised in a local newspaper in the area in which the premises are situated and the Local Authority will place basic details of the application on their website. If a representation is received which is relevant to one of the four Licensing Objectives, a Hearing will be required. A provisional date for the Hearing will be set and all parties will be advised. In the meantime, the Licensing Authority will initiate a meeting with the applicant and the person making the representation with a view to seeing if an agreement can be reached and the representation withdrawn. If this cannot be achieved, a firm Hearing date will be set and all parties will be advised.

If no representations are received from any source by the relevant expiry date, the application will be dealt with by Council Officers and the licence issued on the terms and conditions as requested.

If an application has to be heard by a Premises and Personal Licences Sub Committee, the decision and the reasons for arriving at that decision will be given to all parties as soon as possible after the decision has been reached. Any party who disagrees with the decision of the Licensing Authority has the right of appeal to the Magistrates' Court and they will be informed of their right of appeal when they receive notification of that decision.

2. VARIATION OF A PREMISES LICENCE

The appropriate application pack will be issued, together with guidance notes, which will state the documents required to be submitted with the application. Applications can also be submitted online.

The application procedure for the variation of a Premises Licence will follow the same procedural steps as for the grant of a Premises Licence as set out in 1. above, with the exception of a Minor Variation Application and applicants are advised, in the first instance, to contact the Licensing Team on, 01376 557790 or licensing@braintree.gov.uk for advice prior to submission, as the application is deemed as rejected if not dealt with within the 15 working day period.

The Act states that a licence may not be varied so as to extend the period for which the current licence has effect nor to seek to vary substantially the premises to which the existing Licence(s) relates. If applicants are in any doubt as to whether they should apply for a variation of their Premises Licence or make a grant application, they should seek advice from the Licensing Authority.

3. TRANSFER OF A PREMISES LICENCE

The appropriate application pack will be issued, together with guidance notes, which will state the documents required to be submitted with the application. Applications can also be submitted online.

Although procedural arrangements follow those set out in 1. above, it should be noted that only the Police Authority must be consulted and receive a copy of the application and that the period for the receipt of representations from this source is 14 days. For applications submitted electronically the Licensing Authority will serve a copy of the application on the Police Authority.

If no representations are received, the application will be granted in accordance with 1(i) above.

If a representation is received then a Hearing will be arranged in accordance with the procedure set out in 1. above.

4. DESIGNATED PREMISES SUPERVISOR

GRANT/SUBSTITUTION OF DESIGNATED PREMISES SUPERVISOR

Where a licensable activity includes the sale of alcohol, the applicant has to include in his application details of the person he wishes to be specified in the Premises

Licence as the Designated Premises Supervisor. Should it be necessary to request that the licence be varied to so as to substitute another person to act as the Designated Supervisor the following procedure is to be adopted:-

An application shall be submitted to the Licensing Authority in the specified format, together with the documentation specified in the Guidance Notes. Applications can also be submitted online.

A copy of the notice shall be served upon the Police Authority. For applications submitted electronically the Licensing Authority will serve a copy of the notice on the Police Authority.

A copy of the notice shall be served upon the Designated Premises Supervisor [if there is one]

It will be necessary to state whether the application requires the variation to take immediate effect.

The procedure for determining the application follows the normal procedure set out in 3. above in that, if there are no representations from the Chief Officer of Police, the application must be granted.

If representations are received, the Licensing Authority will notify all parties and, unless the representation is withdrawn, a Hearing will be held in accordance with the procedure already detailed in this Appendix.

REMOVAL OF DESIGNATED PREMISES SUPERVISOR

Where an individual wishes to cease being the Designated Premises Supervisor in respect of a Premises Licence he or she may give the Licensing Authority notice to that effect together with the documentation required for the particular type of notice being given and detailed in the Guidance Notes. Applications can also be submitted online.

Within 48 hours of the notice being served upon the Licensing Authority, the individual must [unless he or she is the Premises Licence holder] serve a copy of the notice and another notice requiring the Premises Licence holder to send the Premises Licence to the Licensing Authority. The Premises Licence holder must comply with this request within 14 days of that notice.

- (c) Provided that the proper notices are served and documentation supplied within the specified timescales, the Licensing Authority will no longer treat that individual as the Designated Premises Supervisor.

5. PROVISIONAL GRANT APPLICATIONS

The Licensing Act 2003, as amended, permits the granting of Provisional Licences to allow applications to be accepted for the grant of a Premises Licence where the actual premises has not been built or where works are necessary to be carried out to bring the building into use for any purposes covered by the Act. Guidance notes will

be available for those persons wishing to make this type of application and may be obtained from the Licensing Authority upon request.

6. INTERIM AUTHORITY NOTICES

Should a Premises Licence lapse due to the death, incapacity or insolvency of the licence holder, then an application may be made to the Licensing Authority for an Interim Authority Notice to enable the premises to continue to trade pending a transfer application being made.

An application may be submitted by a Personal Representative, a person holding a Power of Attorney or an Insolvency Practitioner.

As soon as the Interim Authority Notice is given, the Premises Licence will be reinstated as from that time and the person who gave the notice will be considered to be the holder of the Premises Licence.

The Premises Licence will lapse after a period of 28 days unless a copy of the notice has been given to the Chief Officer of Police or a Transfer application has been submitted to the Licensing Authority.

If no representation is received, the application will be processed by Officers of the Licensing Authority.

If the Chief Officer of Police wishes to object to the transfer on the grounds of the Crime and Disorder Licensing Objective he must, within 48 hours of receiving the notice, give notice to the Licensing Authority stating the reasons for this decision and, unless the representation is withdrawn, a Hearing will be arranged in accordance with the procedure set out above.

There is nothing to prevent the person giving the Interim Authority Notice from making a transfer application if it is made during the Interim Authority period or if the application for the Interim Authority application is rejected or withdrawn or if the licence lapses again at the time of rejection or withdrawal

In certain circumstances, the Interim Authority Notice may be cancelled if the Crime and Disorder objective is being undermined and the Act provides the procedure which must be followed in this event.

7. REINSTATEMENT OF LICENCE

The Act provides that an application for the reinstatement of a licence following the events set out in Paragraph 6 above can be made when the Interim Authority Licence ceases to have effect when it is cancelled or withdrawn. The application must be made no later than seven days after the licence has lapsed and where an application for transfer has been made.

8. GRANT OF A PERSONAL LICENCE

The sale of alcohol may not be made under a premises licence unless there is a Designated Premises Supervisor in respect of the premises (who must hold a

personal licence; and every sale must be made or authorised by a personal licence holder.

The exception to this rule applies for those Community Premises which have successfully applied to the Licensing Authority to remove the DPS requirement. Premises where the requirement for a personal licence holder applies may have more than one personal licence holder at the premises. The requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to attend or oversee each sale; it is sufficient that such sales are authorised.

There is no requirement to have a DPS in relation to Temporary Event Notice or Club Premises Certificate, and sales or supplies of alcohol authorised by a TEN or Club Premises Certificate do not need to be authorised by a personal Licence Holder.

Eligibility

In the case of an application for a personal licence the requirements are:

The applicant must be aged over 18

The applicant possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person as prescribed in the Licensing Act 2003 (Personal Licences) Regulation's 2005

The applicant has paid the appropriate fee to the licensing Authority
In a case in which the applicant has an unspent conviction for a relevant offence or a foreign offence, the police have not objected to the grant of the application on crime prevention grounds or the licensing authority has considered their objection but determined that the grant of the application will not undermine the crime prevention objective.

Applicants who are ordinarily resident in a licensing authority's area are required to make an application to that licensing authority. An applicant who is not ordinarily resident in a licensing authority's area (which may include persons living outside England and Wales), may apply for the grant of a personal licence to any licensing authority in England and Wales.

Criminal records

As part of the process, in accordance with regulations, applicants must include a criminal conviction certificate, a criminal record certificate or the results of a subject access search of the Police National Computer by the National Identification Service to the licensing authority.

The authority is required to notify the Police when an applicant is found to have an unspent conviction for a defined relevant offence or for a foreign offence. In the case where the Police object to an applicant who has a defined relevant offence or for a foreign offence on crime prevention grounds, the applicant is entitled

to a hearing before the authority. If the Police do not issue an objection Notice and the application otherwise meets the requirements of the Act, the authority must grant the application.

Certain defined relevant offences never become spent, however if an applicant can demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, the authority may consider it appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective.

Applications that are refused, the applicant is entitled to appeal the decision made. In a case where an application is granted despite a police objection notice, the Chief Officer of Police is entitled to appeal against the authority's decision.

Relevant Authority

A personal licence can be surrendered suspended revoked or declared forfeit by the courts. Once granted the authority remains the "relevant licensing authority" for it and its holder, even though the individual may move out of the licensing authority area.

Change of details

The licence holder is required to notify the authority of any changes of name or address and any changes are to be recorded by the authority. The licence holder and the courts must notify the authority of any defined relevant convictions and the licence holder must advise the authority of any foreign offences.

Renewal

The Deregulation Act 2015 removes the requirement to renew a personal licence every ten years as was previously intended in the Licensing Act 2003. The provision came into effect from 1st April 2015.

9. EXEMPTIONS

The following activities are not regarded as Regulated Entertainment and are exempt for the purposes of the Act: -

Incidental Music - the performance of live music or the playing of recorded music if it is incidental to some other activity,

Incidental film – an exhibition of moving pictures if it is incidental to some other activity,

A spontaneous performance of music, singing or dancing,

Garden fetes – or similar if not being promoted or held for purpose of private gain,

Films for advertisement, information, education or in museums or art galleries,

Television or radio broadcasts – as long as the programme is live and simultaneous,

Vehicle in motion – at a time when the vehicle is not permanently or temporarily parked,

Games played in pubs, youth clubs etc (e.g. pool, darts and table tennis);

Stand-up comedy; and

Provision of entertainment facilities (e.g. dance floors)

As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is required for the following:

Plays: performances between 08:00 – 23:00 on any day provided the audience does not exceed 500.

Dance: performances between 08:00 – 23:00 on any day provided the audience does not exceed 500. Any dance that is adult entertainment remains licensable.

Films: no licence is required for “not for profit” film exhibition held in community premises between 08:00 – 23:00 on any day provided the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises and (b) ensures that each such screening abides by age classification rating.

Indoor sporting event: no licence is required for an event between 08:00 – 23:00 on any day, providing that those present does not exceed 1000.

Boxing and Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco – Roman wrestling or freestyle wrestling between 08:00 – 23:00 on any day, providing the audience does not exceed 1000.

Live music: no licence is required for:

A performance of unamplified live music between 08:00 – 23:00 on any day, at any premises.

A performance of amplified live music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500. Provided that a number of other conditions are satisfied (see paragraphs 15.38 – 15.43 of the Home Office guidance 182 Licensing Act 2003).

A performance of amplified live music between 08: 00 - 23:00 on any day, in a workplace (The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act) that is not licensed to sell alcohol on those premises, provided the audience does not exceed 500.

A performance of amplified live music between 08;00 – 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is

not licensed to sell alcohol. Provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

A performance of amplified live music between 08:00 – 23:00 on any day, at the non – residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500 , and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school, or (iii) the health care provider for the hospital.

Recorded Music: no licence is required for:

Any playing of recorded music between 08:00 – 23:00 on any day on any premises authorised to sell alcohol for consumption on those premises, providing the audience does not exceed 500. (Provided that a number of other conditions are satisfied (see paragraphs 15.38 – 15.43 of the Home Office guidance 182 Licensing Act 2003).

Any playing of recorded music between 08:00 – 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

Any playing of recorded music between 08:00 – 23:00 on any day at the non – residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor, or (iii) the health care provider for the hospital.

Cross activity exemptions: no licence is required between 08:00 – 23:00 on any day , with no limit on audience size for:

Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and;

Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a movable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

TEMPORARY EVENT NOTICES

APPLICATION PROCESS / TIMESCALES

The system of permitted temporary activities is intended as light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried out on the “premises user” gives notice to the authority of the event.

Limitations

A number of limitations are imposed on the use of TENS which apply to:

- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people.
- The number of times a TEN may be given for any particular premises (12 times in a calendar year. (From January 1st 2016 this will increase to 15 times in a calendar year)
- The maximum duration of an event authorised by a TEN is 168 hours (seven days)
- The maximum total duration of the events authorised by TENS in relation to individual premises (21 days in a calendar year)
- The maximum number of people attending at any one time (fewer than 500)
- The minimum period between events authorised under separate TENS in relation to the same premises (not including withdrawn TENS) by the same user (24 hours).

There is also a limitation that any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The Act defines an associate in relation to the premises user as being:

- The spouse or civil partner of that person
- A child, parent, grandchild, grandparent, brother or sister of that person
- An agent or employee of that person or
- The spouse or civil partner of a person listed in either of the two preceding bullet points.

Activities that exceed these limits will require a premises licence or club premises certificate. TENS may also be given in respect of premises which already hold a licence to cover licensable activities not permitted by the existing authorisation.

Standard and Late Temporary Event Notices

Excluding the day the Notice is received and the first day of the event to which it relates, the Notice must be submitted "Ten working days" in advance. A Notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year will be returned as void and the activities described in it will not be authorised.

From the date of submission, the Police and Environmental Health have a period of three working days from when they are given the Notice to object to the Notice if they so wish on the basis of any of the four licensing objectives. Where an objection is given, there is provision for the Police or Environmental Health to agree with the premises user to modify the TEN.

The authority requires that notices are not given to the authority more than 6 months in advance of the first day of the event.

A late Temporary Event Notice can be given to the authority up to five working days but no earlier than nine working days before the event is due to take place. The number of late TENs that can be given in a calendar year is limited to TEN for personal licence holders and two for non personal licence holders.

Late TENs count towards the total number of permitted TENs and once these limits have been reached, the licensing authority will issue a counter notice if any more are given.

Application Process

The TEN must be given to the authority in the form prescribed. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment.

The Notice can be submitted in two ways.

- 1) Written applications
- 2) Electronic applications

Service of written standard Temporary Event Notices and Late Temporary Event Notices

In order for your Notice to be deemed as having been properly served, you should proceed in accordance with the Temporary Event procedures set out at the end of the application form. The form should be completed in accordance with the instructions contained in the form, which should be submitted as follows:-

- (a) Two copies to the Licensing Authority at the following address:

The Licensing Officer, Braintree District Council, Causeway House,
Braintree, Essex CM7 9HB

(b) One copy to Essex Police at the following Address:

Licensing Section, Braintree Police Station, Blyths Meadow, Braintree,
Essex CM7 3DJ

Service of electronic standard Temporary Event Notices and Late Temporary Event Notices

The authority encourages the submission of notices electronically. Applicants using the electronic facility via the following link

https://www.braintree.gov.uk/info/200579/temporary_event_notice

are not in addition required to serve notices on either the Police or Environmental as the authority will do this on your behalf.

N.B. When accepting an application for a Temporary Event Notice, the Licensing Authority will assume that the applicant has ensured that all the necessary permissions and planning consents have been obtained to enable the particular event to take place.

The role of the authority

The authority will check that the limitations set down in the act are being observed and take action if not.

Where the application is not within statutory limits the authority will issue a counter notice the premises user.

Where the TEN or Late TEN is in order, the relevant fee is paid and there are no objections by the Police or Environmental Health, the authority will record the notice in the register and send an acknowledgement to the premises user

If the authority receive an objection notice from the Police or Environmental and which is not withdraw, (in the case of a standard TEN only) a hearing will be convened unless all parties following discussions agree that this will not be necessary. If the Licensing Authority upholds the representation, then a Counter Notice will be issued giving the reasons for the decision and copies of the Notice will be given to the Police or Environmental Health. However, if the Temporary Event noticed is in order and no Counter Notice is given, the Licensing Authority will record the event in the Licensing Register and the event will proceed.

Applying conditions

Only the authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The authority can only do so:

- If the Police or Environmental Health have objected to the TEN
- If that objection has not been withdrawn

- There is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given.
- And if the authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

Appeals

If, as a result of the Police or Environmental Health lodging a representation, the Licensing Authority issues a Counter Notice, the premises user has the right of appeal. However, there is no right of appeal in the case of a Late Temporary Event Notice or where the limits have been exceeded with regard to the number of persons attending the event or where the premises user has not given the required ten working days' notice.

Similarly, if the Police or Environmental Health lodge a representation and the Licensing Authority does not issue a Counter Notice, the Police may appeal against that decision.

In both cases the appeal is made to the Magistrates' Court within 21 days, commencing on the day which either party was notified of the decision either to issue - or not issue - a Counter Notice. However, no appeal may be brought later than 5 working days before the first day of the relevant event period.

Delegation of Functions**Appendix 7**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal Licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	

Determination of application to vary premises licence at community premises to include alternative licence condition			All cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

List of persons/bodies consulted in preparation of this Policy

In accordance with Section 5(3) of the Licensing Act 2003, Braintree District Council consulted with the following during the course of the preparation of this Statement of Licensing Policy:

1. The Chief Officer of Police for Braintree District;
2. The Essex Fire and Rescue Service;
3. persons/bodies representative of local holders of premises licences;
4. persons/bodies representative of local holders of club premises certificates;
5. persons/bodies representative of local holders of personal licences; and
6. persons/bodies representative of businesses and residents in the Braintree District.

DRAFT IMPACT ASSESSMENT

This should be carried out during the development stage of a new project, strategy, policy or service or when you are reviewing an existing project, strategy, policy or service.

By understanding and meeting people's differing needs we can provide more effective services.

Name and brief description of project, strategy, policy or service being assessed

Braintree District Council is the Licensing Authority under the Licensing Act 2003 and must review and publish its Statement of licensing Policy every five years. The next Statement to be published will be for the period 2016-21. The Statement must address, within the framework of the 2003 Act, how the Authority will promote the four licensing objectives which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Information used to analyse the impact on people affected by the project, strategy, policy or service

State who will be affected, the relevant information you are using to assess how it will affect them, note any relevant consultation, surveys, etc.

The Statement of Licensing Policy is designed to promote the four licensing objectives identified under the Licensing Act 2003. As such the potential impacts of the policy are very broad across the communities that live, work and visit the District.

The Statement of Licensing Policy seeks to re-inforce and develop measures to improve the safety of the public and minimise the risk of crimes against them, to mitigate the effects of regulated activities upon the communities in which the activities are held and to protect children from inappropriate activities.

The Statement also seeks to provide useful information to those who fall within the policy and thereby assist them and understand that each application will be treated equitably having regard to the Policy. It is also the aim of the Statement to

provide information to communities about the Authority's approach to particular licensing considerations and thereby assist them in addressing matters affecting them arising from the provision of regulated activities.

Protected equality groups:

By its very nature, the Statement of Licensing Policy is relevant to all protected groups. Within that group, "children" are accorded a special status in view of the licensing objective to protect children from harm. Several protected groups commonly seek to provide regulated activities that are aimed to promote the identity of and support the provision of facilities for those protected groups.

General Equality Duties:

The publication of the Statement, and its review every five year seeks to involve an inclusive process of analysis of the policies involved, to eradicate unequal access to information about licensing related services and to promote good relations between individuals and groups who provide regulated activities and those individuals and groups who live or operate businesses in the vicinity of premises where regulated activities are provided.

What relevant evidence is there about the activity?

Applications

Applications under the Licensing Act 2003 are prescribed by Regulation and the Authority does not have the power to set its own application forms. These forms do not provide for the gathering of demographic data about the applicant.

Complaints

During the period of the current five year Statement of Licensing Policy there were no complaints about the way the Authority had approached its role with regards equality.

Consultation

The Council will consult widely on the proposed policy which will be sent to identified key stakeholders including the 9 responsible authorities which include the relevant Licensing Authority, Chief Officer of Police, the local fire and rescue Authority, the Enforcing Authority under the Health and Safety at Work Act 1974, the local authority with responsibility for Environmental Health, the local planning authority, the Essex Safeguarding Children's board, the relevant Director of Public Health and Trading Standards. The policy consultation will also be advertised to the wider public who will be given the opportunity to make comments. The consultation period will be 3 months which is in line with current Government Guidance.

Use the information above to assess the impact of your project, policy, strategy or service on people from the following protected groups: (these are defined by the Equality Act 2010)

Protected Group		Positive Impact/ Benefit	Negative Impact/ Disadvantage	Explanation – State how
Age	Children 0-16	√		The Policy does not explicitly seek to adopt measures that distinguish individuals on the basis of age. There are lawful age restrictions within the Licensing Act 2003 that prevent individuals under 18 years of age from certain licences or from submitting a Temporary Event Notice. The 2003 Act also makes it offences for unaccompanied children to be on premises licensed for alcohol sales between midnight and 5am, for alcohol to be sold to someone under 18 years of age, for alcohol to be consumed by someone under 18 on alcohol licensed premises (except 16 and 17 years olds consuming beer, wine or cider with a meal), for unsupervised sales of alcohol by under 18 year olds etc. Rather than adversely impacting on children, the policy seeks to positively consider children by ensuring that appropriate measures are in place for regulated entertainment for children to ensure that such entertainment is not used as cover for sales/consumption of alcohol. The Policy refers to the separate licensing framework for lap/pole dancing venues and the safeguards that should be provided by that framework. Any residual entertainment of an adult nature is the subject of proposed safeguards and measures that would be appropriate to consider to avoid children being exposed to such entertainment.
	Young People 17-25	√		As above with respect to 17 and 18 year olds.
	Ages 26-59	√		
	Older People 60+	√		

Disability Include disabled people and/or carers	Blind/Partially Sighted	√		There is no intention and no foreseeable impact of the Policy to mean that disabled people would be treated more adversely as a consequence of the proposals in the Statement of Licensing Policy.
	Deaf/Hearing Impaired	√		As above
	Wheelchair user/mobility difficulties	√		As above
	Learning Difficulties	√		As above
	Mental Health Difficulties	√		As above
Gender	Men	√		There is no intention and no foreseeable impact of the Policy to mean that people would be treated more adversely due to their gender as a consequence of the proposals in the Statement of Licensing Policy.
	Women	√		As above
	Transgender	√		There is no intention and no foreseeable impact of the Policy to mean that people would be treated more adversely on the grounds of being trans gender as a consequence of the proposals in the Statement of Licensing Policy.
	Pregnancy & Maternity impact	√		As above
	Marriage & Civil Partnership	√		As above
Race	White	√		There is no intention and no foreseeable impact of the Policy to mean that people would be treated more adversely on the grounds of race as a consequence of the proposals in the Statement of Licensing Policy.
	Asian	√		As above
	Black	√		As above

	Mixed Dual Heritage	√		As above
Religion/ Belief	Buddhist	√		There is no intention and no foreseeable impact of the Policy to mean that people would be treated more adversely on the grounds of religion or belief as a consequence of the proposals in the Statement of Licensing Policy
	Christian	√		As above
	Hindu	√		As above
	Jewish	√		As above
	Muslim	√		As above
	Sikh	√		As above
	Other – please specify	√		As above
Sexual Orientation	Lesbian Gay men Heterosexual Bi-sexual	√		There is no intention and no foreseeable impact of the Policy to mean that people would be treated more adversely due to their sexual orientation as a consequence of the proposals in the Statement of Licensing Policy.
Other (optional)	Use to define Impact on any groups specific to this Strategy, Policy or Function not listed above.	√		There is no intention and no foreseeable impact of the Policy to mean that people at risk of socio-economic disadvantage would be treated more adversely as a consequence of the proposals in the Statement of Licensing Policy.

If you identified any negative impacts above then either:

(a) Your proposal, policy or service is treating people from a protected group above less favourably because of their age, disability, gender, race, religion, or sexual orientation

or

(b) Your proposal, policy or service is intended to treat everyone equally but, unintentionally, people from a protected group above can be particularly disadvantaged or treated less favourably than other others ✓

PLEASE TICK WHICHEVER APPLIES

If you ticked (a) this is direct discrimination, which is illegal and you cannot proceed

If you ticked (b):

1. Can any negative impacts be minimized or removed? If so state what changes you will make.
2. If you cannot minimize or remove negative impacts they must be justified and you must state your justification

Not applicable

If you identified any positive impacts is there anything further you can do to increase or extend the positive benefits? If so state what changes you will make

General

By publishing the Authority's approach to licensing of regulated entertainment, alcohol supply and late night refreshment, the Authority seeks to demonstrate an equitable approach to licensing that can be used by all those who provide regulated activities, consumers of such activities and those who live or run businesses near to licensed premises.

Eliminate discrimination

All decisions of the Authority are made available on its required public registers and if any discriminatory activity were to take place it would be visible for all to see and thereby challenge it.

Promote good community relations

Through the mechanisms of the Licensing Act 2003, the Authority promotes dialogue between those who provide (or seek to provide) regulated activities and those who live or run businesses near to the relevant premises. This dialogue, using the framework of the Statement of Licensing Policy

Promote positive attitudes towards disabled people

The Policy recognises the Authorities legal obligations under existing legislation and the anticipated obligations under the Equalities Act 2010 and these will be considered also when individual applications are to be determined.

Encourage participation by disabled people

The Policy recognises the Authorities legal obligations under existing legislation and the anticipated obligations under the Equalities Act 2010 and these will be considered also when individual applications are to be determined.

Consider a person's disabilities

The Policy recognises the Authorities legal obligations under existing legislation and the anticipated obligations under the Equalities Act 2010 and these will be considered also when individual applications are to be determined.

Conclusions

The Licensing Act 2003 is not meant to replicate existing statutory requirements on premises owners/users and, where requirements under such other legislation do exist, those requirements are not weakened or removed by not being replicated in the Statement or any authorisation made under the 2003 Act by the Authority. Having considered the assessment, it is concluded that the Policy will have a neutral impact on equality. Through the requirement to keep the Statement under review and the current requirement to re-consider the whole Statement in five years' time, it can be utilised to identify measures to promote equality. The authority will welcome views on the operation of the Statement of Licensing Policy before it is considered. The Authority also welcomes views from premises licensees, personal licensees, representatives from the business community and communities living, working or visiting locally during the lifetime of the proposed Statement on its impact on any protected characteristics and such views would be used to keep the Statement under review. If necessary the Statement could be revised during that period.

Completed By: D Mellini**Approved By (Senior Manager)****Service: Environment & Leisure****Date: To be signed off after consultation****Each service should retain the signed copy of the Assessment.****An electronic copy should be sent to angve@braintree.gov.uk for publication on the Council's website – this is a requirement to ensure that we meet our statutory duties under the Equality Act 2010.**

BRAINTREE DISTRICT COUNCIL'S REVISED LICENSING POLICY STATEMENT IN RESPECT OF THE GAMBLING ACT 2005		Agenda No: 6
Corporate Priority: Building a prosperous district – support businesses.		
Report presented by: John Meddings		
Report prepared by: John Meddings		
Background Papers:		Public Report: Yes
<ol style="list-style-type: none"> 1. Braintree District Council Draft Gambling Licensing Policy Statement 2015 (Appendix 1) 2. Equality Impact Assessment (Appendix 2) 		
Options:		Key Decision: No
To approve the draft statement of Gambling licensing policy (with amendments deemed appropriate by Members) and to seek approval for consultation (Appendix 1).		
Executive Summary:		
To consider the revised Braintree District Council Gambling Licensing Policy Statement in respect of the Gambling Act 2005 and seek approval for consultation.		
Decision		
That the draft statement of Gambling licensing policy with amendments is approved for consultation.		
Purpose of Decision:		
To commence the consultation process on the revised Braintree District Council Gambling Licensing Policy Statement.		

Corporate Implications	
Financial:	The principle behind modifying the policy is to minimise any risk of a judicial review from an aggrieved applicant.
Legal:	Failure to adopt a policy in line with the Gambling Act 2005, will result in the Council not able to administer the licensing functions under the Gambling Act 2005
Safeguarding:	The policy document deals with the protection of children and vulnerable adults
Equalities/Diversity:	None arising out of this report. An Equality Impact Assessment has been attached to the report (Appendix 2). The responses to the consultation process may result in issues which will need to be considered.
Customer Impact:	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
Environment and Climate Change:	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
Consultation/Community Engagement:	<ul style="list-style-type: none"> • It is proposed to consult in writing with all stakeholders as highlighted in section 2.2. • The period of consultation will last for four weeks in order to give all of the identified stakeholders an opportunity to comment on the proposals. • The draft policy will be placed on the Authority's website for comment for the duration of the consultation period.
Risks:	None arising out of this report. The responses to the consultation process will identify possible risks.
Officer Contact: John Meddings	
Designation: Licensing Officer	
Ext. No. 2213	
E-mail: john.meddings@braintree.gov.uk	

1. **Background**

1.1 The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-

a) Consideration of applications for premises licences for:

- Casinos
- Bingo premises
- Betting premises and Race tracks
- Adult gaming centres
- Family entertainment centres

b) Consideration of applications for permits for:

- Gaming machines in alcohol-licensed premises, such as pubs
- Gaming machines for members clubs
- Gaming in members 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

e) Provisional Statements

f) Registration of small society lotteries

1.2 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

1.3 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.

1.4 The Gambling Commission are currently in the process of consulting on the proposed 5th Edition of their Guidance to Licensing Authorities (GLA). In their bulletin they state that the proposed revisions do not represent a change of

policy or approach, but seek to reinforce the tools that enable Licensing Authorities to regulate gambling at a local level.

The introduction refers to the previous GLA revision of September 2012 and to the regulatory and legislative changes since this date which necessitate updates to the Guidance. Proposed amendments include those relating to recent changes to the Licence Conditions and Codes of Practice; on the promotion of local partnership working between Licensing Authorities and gambling operators; and to proposed amendments to provide greater clarity on the range of powers afforded to Licensing Authorities to manage local gambling regulation through measures such as their Statements of Licensing Policy.

The Commission highlight the strengthening of the narrative emphasising the role and powers of Licensing Authorities and their mandate to manage local gambling provision.

- 1.5 Due to these prospective changes to the Guidance, this latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy. Due to the fact that it contains such minor amendments, consultation on this occasion has been limited to a period of four weeks.

2. Consultation

- 2.1 A draft Gambling Licensing Policy Statement, which is based upon the Essex Authorities generic framework, will be available for public consultation following this Committee meeting and for a period of four weeks.
- 2.2 Letters advising of the consultation will be 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 Citizen's Advice Bureau and trade unions);

Consultation with businesses that are, or will be, holders of a premises licence.

- 2.3 The policy will be made available for viewing via the Council's website.

3. Equality Impact Assessment

- 3.1 In accordance with the Authority's obligations under the Equalities Act 2010, a draft Equality Impact Assessment (Appendix 2) has been completed in relation to this policy to determine the possible implications on equality.
- 3.2 The draft assessment has determined that the policy intends to treat everyone equally.

- 3.3 Should the results of the consultation highlight that the draft Equality Impact Assessment does not treat everyone equally; the assessment will be reviewed and amended accordingly.

BRAINTREE DISTRICT COUNCIL



GAMBLING LICENSING POLICY STATEMENT

FOREWORD

This is the fourth 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 2016.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

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

The Council recognises how important this sector of the entertainment industry is within the 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 Michael Banthorpe
Chairman, Licensing Committee

BRAINTREE DISTRICT COUNCIL **GAMBLING LICENSING POLICY STATEMENT**

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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.

1.2 This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy. Due to the fact that it contains such minor amendments, consultation on this occasion has been limited to a period of 4 weeks between 11 May 2015 and 08 June 2015.

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.

MAP OF BRAINTREE DISTRICT



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 31st January 2016.

6 CONSULTATION

- 6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (see Appendix 3), 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 11 May 2015 and 08 June 2015
- 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

7 APPROVAL OF POLICY

- 7.1 This Policy was approved at a meeting of the full Council on XXXX date and was published via its website on XXXX. 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.

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 should under** the Act.

9 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 3. 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 and Parish Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties.
- 10.3 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.

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;
 - Data Protection Act 1998;

- Human Rights Act 1998;
- Freedom of Information 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

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.

12.2 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

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.

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 5.

PART B PREMISES LICENCES

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 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:-

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

15.3 Definition of Premises:

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

15.4 Demand:

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

15.5 Location:

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

15.6 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.

15.7 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.

15.8 Conditions:

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.

15.9 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.

15.10 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.

15.11 **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.

15.12 **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.

15.13 **Betting Machines: (See Appendix 1 for definition)**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching 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.

15.14 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.

15.15 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.

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:
- 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.

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.

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 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) 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 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children 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.

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 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children 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.

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

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 Appendix 5.

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 GAMING MACHINES

The table shows the various Categories of Gaming Machines and the maximum stakes and prizes is shown below:

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited – No category A gaming machines are currently permitted	
B1	5	10,000
B2	100 (in multiples of £10)	500
B3	2	500
B3A	2	500
B4	2	400
C	1	100
D – non money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D Non money prize (crane grab machine)	1	50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £8 may be a money prize)

A separate table (contained in Appendix 6) shows which types of gambling premises may have which Category of gaming machine.

34 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.

35 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.

36 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) or in hard copy from our Licensing Department (Tel 01376 557790).

37 FEES

The Fees that are applicable to any Licences, Permits or any other permissions will be set by the Secretary of State by Regulations and will appear in Appendix 8. The Licensing Authority will determine their fees when Regulations are published.

38 USEFUL CONTACTS

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

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 9)
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"> <input type="checkbox"/> Automatic provision <input type="checkbox"/> Regulations provided by Secretary of State <input type="checkbox"/> Conditions provided by Gambling Commission <input type="checkbox"/> Conditions provided by Licensing Authority <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
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"> <input type="checkbox"/> Small Society Lottery (required to register with Licensing Authorities). <input type="checkbox"/> Incidental Non Commercial Lotteries. <input type="checkbox"/> Private Lottery (Private Society, Work or Residents lottery). <input type="checkbox"/> Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the Lottery.
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 rd 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"> <input type="checkbox"/> lives sufficiently close to the premises to be likely affected by the authorised activities; <input type="checkbox"/> have business interests that might be affected by the authorised activities, or <input type="checkbox"/> represents persons in either of these two groups. <p>See paragraph 10.6 for the criteria the Licensing Authority will apply in determining who lives or has business</p>

	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"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> identify the promoting society; <input type="checkbox"/> state the price of the ticket, which must be the same for all tickets; <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 <input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.
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"> <input type="checkbox"/> have at least 25 members; <input type="checkbox"/> be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> be permanent in nature; <input type="checkbox"/> not be established to make commercial profit; and <input type="checkbox"/> be controlled by its members equally.
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"> - Casino Operating Licence - Bingo Operating Licence - General Betting Operating Licence - Pool Betting Operating Licence - Betting Intermediary Operating Licence - Gaming Machine General Operating Licence (for an Adult – Gaming Centre Operator or a Family Entertainment Centre) - Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine) - Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software) - Lottery Operating Licence
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"> ❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; ❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; ❑ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised

	by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
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"> <input type="checkbox"/> Braintree District Council acting as the Licensing Authority <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police (Essex Police) <input type="checkbox"/> Essex County Fire and Rescue Service <input type="checkbox"/> Local Planning Authority, ie Braintree District Council Planning Department <input type="checkbox"/> The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health <input type="checkbox"/> Essex Local Safeguarding Children's Board <input type="checkbox"/> HM Revenue and Customs <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 <input type="checkbox"/> Other persons prescribed by the Secretary of State <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"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

TEMPORARY USE NOTICES

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

- The Licensing Authority
- The Gambling Commission
- Essex Police
- HM Commission for Revenues and Customs
- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas)

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: licensing@braintree.gov.uk Website: www.braintree.gov.uk
Essex Police	Licensing Officer Braintree Police Station Blyth's Meadow Braintree Essex CM7 3DJ	Telephone: 0300 333 4444 Fax: 01376 551412
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 DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX	Telephone: 01245 492211
Trading Standards [Essex]	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS	Telephone: 01245 341800

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: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

Useful Contacts

Trade Associations:

Association of British Bookmakers	www.abb.uk.com
British Amusement Catering Trade Association	www.bacta.org.uk
British Casino Association	www.britishcasinoassociation.org.uk
Remote Gambling Association	www.rga.eu.com
Bingo Association	www.bingo-association.co.uk
British Horseracing Board	www.britishhorseracing.com
British Greyhound Racing Board	www.thedogs.co.uk

Gambling Support Organisations:

Gamcare	www.gamecare.org.uk
Responsibility in Gambling Trust	www.rigt.org.uk
Gamblers Anonymous	www.gamblersanonymous.org.uk

Other Links

Department for Culture, Media & Sport	www.culture.gov.uk
Casino Advisory Panel	www.webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/cap/

Table of Delegations of Licensing Functions
Gambling Act 2005

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS	HEAD OF SERVICE
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		All cases
Authority to attach conditions, where relevant, to Premises Licences			All cases	

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	

Appendix 6

Table showing the different types of gambling premises and the Category of gaming machines permitted.

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

Adult Gaming Centre				Maximum of 4 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines
Family Entertainment Centre (with Premises Licence)						No limit on category C or D machines
Family Entertainment Centre Gaming Machine Permit						D
Club Gaming Permit					B3A, B4, C and D	3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.
Club Machine Permit					B3A, B4, C and D	3 total
Licensed premises: automatic entitlement					C and D	2 total
Licensed premises: Gaming Machine Permit					C and D	Unlimited

APPLICATION PROCESS

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

PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operator's Licences to have been issued by the Gambling Commission.

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

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

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

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

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

BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

New Licences or Permissions

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

TRACKS

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

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires Operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises Licence Holder (in relation to dog tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises Licence Holder provided they hold a Pool Betting Operator's Licence (for sitting and other special considerations in respect of gaming machines at tracks, see '*the Gambling Commission's guidance*' at www.gamblingcommission.gov.uk).

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

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

BETTING MACHINES

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

GAMING MACHINE SUPPLY & REPAIR

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

GAMING MACHINES IN LICENSED PREMISES

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

The Act introduces new classes of gaming machines, as shown in Fig. 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited – No category A gaming machines are currently permitted	
B1	5	10,000
B2	100 (in multiples of £10)	500
B3	2	500
B3A	2	500
B4	2	250
C	1	100
D money prize	10p	£5
D no money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D non-money prize (crane grab machine)	1	50
D combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

Fig. 2

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

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

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

TEMPORARY USE NOTICES (TUNs)

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

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

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

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

Issue

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

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

The Notice must include details of: -

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

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

Objections

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

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

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

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities

permitted, the time period when activities may take place and any conditions that are imposed.

OCCASIONAL USE NOTICES (OUNs)

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

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

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

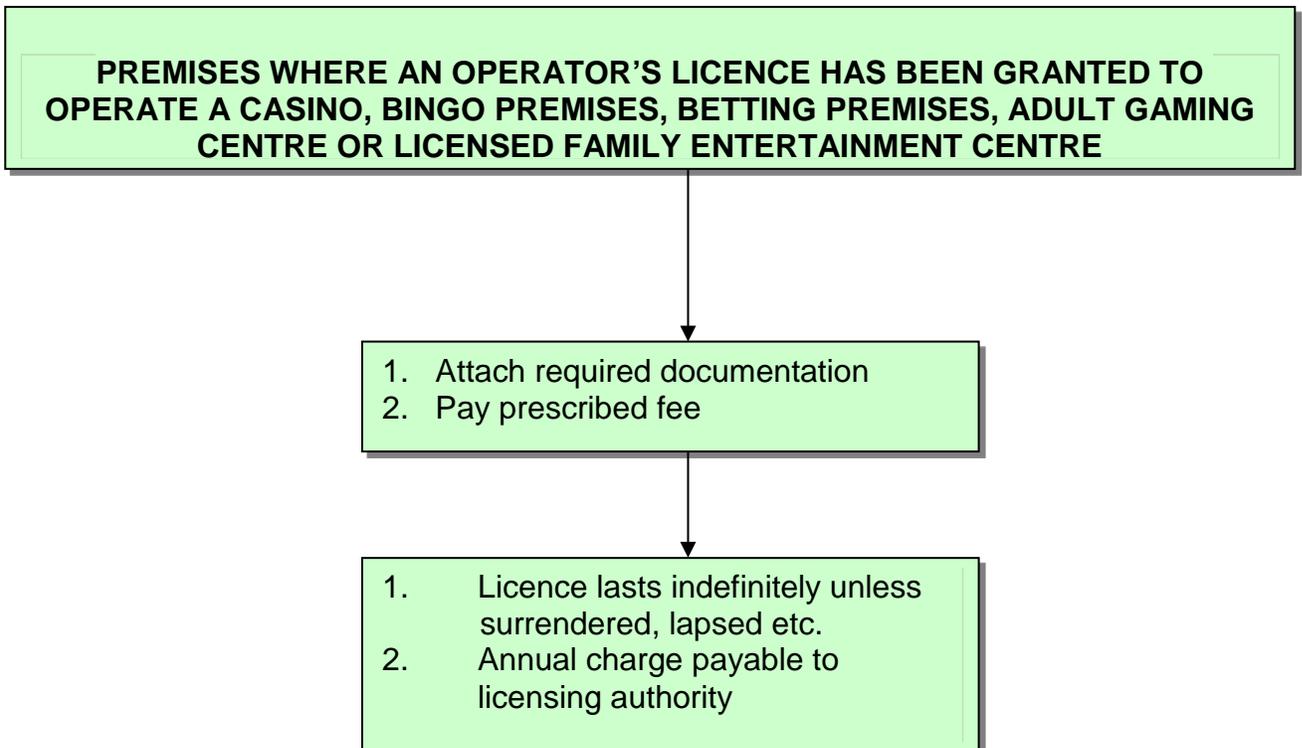
Issue

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

Objections

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

PREMISES LICENCES



GAMING PERMITS

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

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

GAMING MACHINES

The Act introduces new classes of gaming machines that may be operated under a Permit, as shown in figure 3 below.

Fig. 3

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

The category and number of machines that may be operated under a Premises Licence are shown in Figure 2 above.

Fig. 4

	Machine category							
Premises Type	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miner's Welfare Institutes with Permits					Maximum of 3 category B3A to D machines			
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with Gaming Machine Permit							Unlimited entitlement of 1 or 2 category C or D machines	
Family Entertainment Centre (with permit)							Unlimited category D machines	
Travelling Fair							Unlimited category D machines	

ALCOHOL-LICENSED PREMISES

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

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

The following paragraphs apply only to those premises.

Automatic Entitlement

The Act gives an automatic entitlement for the Holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a Permit is not required but Premises Licence Holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

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

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

New permits

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

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

- the size of the premises;

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

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

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

Where the Premises Licence is transferred, the Gaming Machine Permit must also be transferred or it will lapse. In all other cases the Permit will last indefinitely, unless surrendered or revoked.

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

MEMBER'S CLUBS

The Act permits a Member's Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miner's Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3(A), B4, C or D.

The Act also permits a Member's Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3(A), B4, C or D under a **Club Machine Permit**.

New Permits

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

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

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

Applications for a Permit for premises not holding a Club Premises Certificate e.g. a Commercial Member's Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

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

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

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

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

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

OTHER PREMISES

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

UNLICENSED FAMILY ENTERTAINMENT CENTRES

The Licensing Authority may grant an application for a Permit for Category D Gaming Machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief

Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

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

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

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

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

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

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

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

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

PRIZE GAMING

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

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

The Authority may refuse an application for renewal of a Permit only on the grounds that an authorised Local Authority Officer has been refused access to

the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

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

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

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

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

New Permits

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

Prize gaming without a Permit

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Act, except that Casinos may not offer prize bingo.

Unlicensed FECs may also offer equal chance gaming only, under the authority of their Gaming Machine Permit.

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

TRAVELLING FAIRS

Travelling Fairs do not require a permit to provide gaming machines but must comply with Codes of Practice on how they are operated.

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

ALCOHOL LICENSED PREMISES

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

AFTER 1 SEPTEMBER 2007

UP TO 2 MACHINES

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

MORE THAN 2 MACHINES

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

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

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

BUT

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

MEMBERS CLUBS

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

AFTER 1 SEPTEMBER 2007

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

ATTACH TO APPLICATION

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

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

Application for grant may be refused if: -

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

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

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

UNLICENSED FAMILY ENTERTAINMENT CENTRE

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

**NEW PERMIT TO OPERATE
AFTER 1 SEPTEMBER 2007**

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

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

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

Permits will lapse if: -

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

PRIZE GAMING PERMIT

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

NEW PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

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

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

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

Permits will lapse if: -

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

LOTTERIES

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

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

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

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

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

The Licensing Authority will require applicants to declare: -

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

The Licensing Authority may refuse an application if: -

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

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

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

NEW REGISTRATIONS

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

Lottery Requirements

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

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

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

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

EXTERNAL LOTTERY MANAGERS

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

SMALL SOCIETY LOTTERIES

PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN

REGISTRATION TO OPERATE AFTER 1 SEPTEMBER 2007

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

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
 2. No single prize to exceed £25000
 3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
 4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw
- Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -
5. Dates tickets were available for sale, dates of draw and value of prizes
 6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
 7. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
 2. Any person connected with promotion of lottery has been convicted of relevant offence , or
 3. Information provided in application is false/misleading
- Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
- Registration may be revoked where grounds exist for an application for registration to be refused.
- BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

Braintree District Council

Approved Fees for Applications made under the Gambling Act 2005

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

The Licensing Department
Braintree District Council
Causeway House
Braintree
Essex
Tel: 01376 557790
E-mail: licensing@braintree.gov.uk

or alternatively by viewing the Council's Website.

DRAFT EQUALITY IMPACT ASSESSMENT

This should be carried out during the development stage of a new project, strategy, policy or service or when you are reviewing an existing project, strategy, policy or service.

By understanding and meeting people's differing needs we can provide more effective services.

Name and brief description of project, strategy, policy or service being assessed

The following assessment is a review of the Equality Impact assessment completed in March 2013.

The Council has a statutory duty to prepare, publish and review its licensing Policy under the Gambling Act 2005 every three years. The Council is in the process of undertaking this review which will be completed in April 2013.

A key aim of the act is to promote the three licensing objectives, which are:

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

The purpose of the policy is:

To inform licence applicants of the way in which the Licensing Authority will make licensing decisions and how licensed premises are likely to be permitted to operate.

To ensure all gambling applications are treated fairly and in a consistent manner.

To inform stakeholders such as residents and businesses of the way in which the Licensing Authority will make licensing decisions and how their needs and concerns will be dealt with.

Information used to analyse the impact on people affected by the project, strategy, policy or service

State who will be affected, the relevant information you are using to assess how it will affect them, note any relevant consultation, surveys, etc.,

Who will be affected by the policy?

- * A full list of stakeholders and consultees can be found in the relevant section of the Gambling Licensing Policy statement.
- * Residents, businesses in the vicinity of licensed premises and their representatives eg residents groups, businesses groups and other interested parties.
- * Existing and future licensees
- * Responsible Authorities Essex Police, Essex County Fire & Rescue, Environmental Health, Ward Councillors, Trading Standards, Planning, Safeguarding Children, Customs and Excise, Gambling Commission
- * Licensing Authority – members of the Licensing Committee, Licensing Officers

Information used to assess how the policy will affect stakeholders:

- * The draft policy was prepared and sent to key stakeholders as part of a three month public consultation process. The policy has also been advertised on the Councils website. The information received from the consultation will be considered and, if appropriate, included in the final document. The draft policy received committee approval before consultation. It will be considered at the next Licensing Committee in March 2013 and then will be submitted for final approval at Full Council in April 2013.

Other information used:

- * Code of practice issued by the Gambling Commission
- * Braintree District Council's gambling policy statement

* Any complaints received in connection with licensed premises.

Use the information above to assess the impact of your project, policy, strategy or service on people from the following protected groups: (these are defined by the Equality Act 2010)

Protected Group		Positive Impact/ Benefit	Negative Impact/ Disadvantage	Explanation – State how
Age	Children 0-16	√		Policy contains several references to the protection of minors
	Young People 17-25	√		Protection of minors has, in some sections of the policy, been extended to apply to protection of vulnerable adults
	Ages 26-59	√		
	Older People 60+	√		
Disability Include disabled people and/or carers	Blind/Partially Sighted	√		Any sectioning of a premise to prevent children entering an area will be considered alongside access requirements.
	Deaf/Hearing Impaired	√		
	Wheelchair user/mobility difficulties	√		
	Learning Difficulties	√		
	Mental Health Difficulties	√		
Gender	Men			Neutral impact
	Women			
	Transgender			
	Pregnancy & Maternity impact			
	Marriage & Civil Partnership			
Race	White			Neutral impact
	Asian			
	Black			
	Mixed Dual Heritage			

Religion/Belief	Buddhist	√		Any objections and concerns made by religious groups will be assessed on their merits in conjunction with criteria laid down by the gambling Act 2005 and statutory guidance on the interpretation of the legislation.
	Christian	√		
	Hindu	√		
	Jewish	√		
	Muslim	√		
	Sikh	√		
	Other – please specify	√		
Sexual Orientation	Lesbian Gay men Heterosexual Bi-sexual			Neutral impact
Other (optional)	Use to define Impact on any groups specific to this Strategy, Policy or Function not listed above.	N/A	N/A	N/A

If you identified any negative impacts above then either:

(a) Your proposal, policy or service is treating people from a protected group above less favourably because of their age, disability, gender, race, religion, or sexual orientation

or

(b) Your proposal, policy or service is intended to treat everyone equally but, unintentionally, people from a protected group above can be particularly disadvantaged or treated less favourably than other others

√

PLEASE TICK WHICHEVER APPLIES

If you ticked (a) this is direct discrimination, which is illegal and you cannot proceed **N/A**

If you ticked (b):

- 1. Can any negative impacts be minimized or removed? If so state what changes you will make.**
2. If you cannot minimize or remove negative impacts they must be justified and you must state your justification

N/A

If you identified any positive impacts is there anything further you can do to increase or extend the positive benefits? If so state what changes you will make

The policy is designed to protect children and other vulnerable persons from being harmed or exploited by gambling.

The policy will be reviewed as and when significant changes occur to new guidance or legislation and/or every three years in line with statutory obligations.

The Council will continue to scrutinise all licensing applications that require a decision from the Councils Licensing Sub Committee.

Completed By: D Mellini

Approved By

Service: Environment & Leisure

Date :

Each service should retain the signed copy of the Assessment.
An electronic copy should be sent to angve@braintree.gov.uk for publication on the Council's website – this is a requirement to ensure that we meet our statutory duties under the Equality Act 2010.