

# Licensing Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be audio recorded.

**Date: Wednesday, 09 September 2015**

**Time: 19:15**

**Venue: Causeway Room, Causeway House, Braintree, CM7 9HB**

## **Membership:**

Councillor Mrs J Allan  
Councillor M Banthorpe (Chairman)  
Councillor J Baugh (Vice Chairman)  
Councillor S Canning  
Councillor J Elliott  
Councillor J Goodman  
Councillor A Hensman

Councillor H Johnson  
Councillor Mrs J Money  
Councillor Mrs J Pell  
Councillor R van Dulken  
Councillor Ms L Walters  
Councillor Mrs S Wilson

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

**Page**

## **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 of the Previous Meeting**

To approve as a correct record the minutes of the meeting of the Licensing Committee held on 22nd July 2015 (copy previously circulated).

### **4 Public Question Time**

(See paragraph below)

- 5      **Hackney Carriage Proprietors' Licences Allocation**      4 - 7
- 6      **Local Government (Miscellaneous Provisions) Act 1976**      8 - 18  
Duration of Licences – Hackney Carriage, Private Hire Vehicles  
and Operators of Private Hire Vehicles
- 7      **Braintree District Council's Revised Licensing Policy Statement**      19 - 88  
In Respect Of The Gambling Act 2005
- 8      **Urgent Business - Public Session**  
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.
- 9      **Exclusion of the Public and Press**  
To agree the exclusion of the public and press for the consideration  
of any items for the reasons set out in Part 1 of Schedule 12(A) of  
the Local Government Act 1972.

*At the time of compiling this agenda there were none.*

#### **PRIVATE SESSION**

10      **Urgent Business - Private Session**

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](mailto:demse@braintree.gov.uk)

#### **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 Council's Governance and Members team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) at least 2 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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### **Mobile Phones**

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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: .....

HACKNEY CARRIAGE PROPRIETORS' LICENCES - ALLOCATION		Agenda No:
Portfolio	Environment and Place	
Corporate Priority:	Supporting vulnerable people in our community Promoting safe and healthy living Boost employment skills and support business Promoting and improving our town centres	
Report presented by:	John Meddings, Licensing Officer	
Report prepared by:	John Meddings, Licensing Officer	
Background Papers:	Public Report	
Hackney Carriage Proprietors' Licences Allocation Policy. Report and Minutes of Licensing Committee – 22 <sup>nd</sup> July 2015.	Key Decision: No	
Executive Summary:		
This report provides details for the allocation of the three Hackney Carriage Proprietors' Licences currently held by Braintree District Council. All 84 Hackney Carriages will then be in service within the District and increase the number of wheelchair accessible vehicles.		
Decision:		
To issue three Hackney Carriage Proprietors' Licences by random ballot in accordance with the Hackney Carriage Proprietors' Licences Allocation Policy		
Purpose of Decision:		
To allocate Hackney Carriage Proprietors' Licences in accordance with Council's Hackney Carriage Proprietors' Licences Allocation Policy.		

Any Corporate implications in relation to the following should be explained in detail	
<b>Financial:</b>	None arising out of this report
<b>Legal:</b>	The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 place on Braintree District Council, as the Licensing Authority, the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.
<b>Safeguarding:</b>	None arising out of this report
<b>Equalities/Diversity:</b>	<p>The Equality Act 2010 consists of a general duty for the Authority, as both employer and service provider, to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.</li> <li>• Advance equality of opportunity between people who share a protected characteristic and people who do not share it.</li> <li>• Foster good relations between people who share a protected characteristic and people who do not share it.</li> </ul>
<b>Customer Impact:</b>	Proprietors and prospective applicants of Hackney Carriage Vehicles could both be affected by this decision. The general public may also be affected by the reduced number of Hackney Carriages operating within the District.
<b>Environment and Climate Change:</b>	None arising out of this report.
<b>Consultation/Community Engagement:</b>	The local Taxi Association has been consulted and the Council conducts an Unmet Demand Survey every three years, which involves consultation and community engagement.
<b>Risks:</b>	None arising out of this report.
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Licensing Officer
<b>Ext. No.</b>	2213
<b>E-mail:</b>	john.meddings@braintree.gov.uk

## **1. Background**

- 1.1 The Policy for the allocation of Hackney Carriage Proprietor's Licences was introduced by the Licensing Committee on 14th February 2014
- 1.2 The Council currently limits the number of Hackney Carriage Proprietor's Licences issued to 84.
- 1.3 The Council has three Hackney Carriage Proprietor's Licences to be allocated in accordance the Policy.

## **2. Consultation**

- 2.1 All current Braintree District Council Private Hire and/or Hackney Carriage Drivers and Private Hire Operators were notified in writing on 24<sup>th</sup> July 2015 that three Hackney Carriage Proprietors' Licenses were available. A Notice was also placed on the Braintree District Council website.
- 2.2 Potential applicants then had a month to submit an express an interest in the available Hackney Carriage Proprietors' Licences.
- 2.3 During the expression of interest period the Council received 48 responses, five of these expressions were deemed invalid due to them not meeting the criteria set down by the Hackney Carriage Proprietors' Licences Allocation Policy.
- 2.4 The remaining 43 expressions are deemed valid and have been entered into the ballot for the three Hackney Carriage Proprietor's Licences.

## **3. Allocation**

- 3.1 The three Hackney Carriage Proprietors' Licences will be issued by random ballot, drawn by the Chairman of the Licensing Committee.
- 3.2 Lots will be drawn to cover the three available Hackney Carriage Proprietors' Licences. Then three reserves will be drawn to allow for potential unsuccessful applications.

Example: If two Licences are required to be allocated, then the random ballot will take place as soon as practicable. Four lots will be drawn; Lot 1 and Lot 2 will have the opportunity to apply for the available Proprietors' Licence and complete the applications within 28 days. If either of the first two lots are unsuccessful with their applications then Lot 3 will have the opportunity to apply. Then if any of the previous three lots drawn are unsuccessful with their applications then Lot 4 will have an opportunity to apply.

## **4. Successful Applicants**

- 4.1 The successful candidates will be notified by the need to licence a wheelchair accessible vehicle within 28 days of the ballot.

- 4.2 The vehicle will also need to meet the current Braintree District Council vehicle criteria.
- 4.3 The applicant will be required to undertake a declaration that the Licence will not be sold or transferred for a period of five years. Should the successful applicant already be an existing Hackney Carriage Proprietor, then they will also be required to undertake a declaration not to sell or transfer any existing Licence.

<b>Local Government (Miscellaneous Provisions) Act 1976 Duration of Licences – Hackney Carriage, Private Hire Vehicles and Operators of Private Hire Vehicles</b>		<b>Agenda No:</b>
<b>Portfolio</b>	Environment and Place	
<b>Corporate Priority:</b>	Supporting vulnerable people in our community Promoting safe and healthy living Encouraging flourishing communities Boost employment skills and support business Providing value for money Delivering excellent customer service Improving our services through innovation	
<b>Report presented by:</b>	John Meddings, Licensing Officer	
<b>Report prepared by:</b>	John Meddings, Licensing Officer	
<b>Background Papers:</b>	<b>Public Report</b>	
Deregulation Act 2015 Local Government (Miscellaneous Provisions) Act 1976 Report and Minutes of the Licensing Committee – 22 July 2015		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>The amendments to the Local Government (Miscellaneous Provisions) Act 1976 has increased the duration of licences to drive Hackney Carriages and Private Hire vehicles and licences to operate Private Hire vehicles.</p> <p>A review has been undertaken regarding the Council's processes and procedures that are affected by the amendments to the Local Government (Miscellaneous Provisions) Act 1976.</p>		
<b>Decision:</b>		
It is recommended that Members approve the recommendations set out in section 13 of this report.		
<b>Purpose of Decision:</b>		
To streamline the application process and bring the Council's standards in line with the amendments to the Local Government (Miscellaneous Provisions) Act 1976 and 'good practice' guidance and enable a more robust 'fit and proper' test for applicants.		



<b>Any Corporate implications in relation to the following should be explained in detail</b>	
<b>Financial:</b>	<p>The Council must ensure that any fees generated are used to manage the process of administration only and that the overall costs are neutral to the Council (excluding any enforcement costs, which must be accounted for separately).</p> <p>Application Fees will be considered by Council on 14<sup>th</sup> September 2015.</p>
<b>Legal:</b>	The Council as the Licensing Authority is required to grant licences in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
<b>Safeguarding</b>	<p>Proposal ensures that Private Hire Operators undergo a criminal records check.</p> <p>Proposal increases the medical standard to Group 2 in line with other professional drivers.</p>
<b>Equalities/Diversity</b>	<p>An equalities impact assessment will be finalised once the proposals have been agreed.</p> <p>Some current and prospective drivers may no longer meet the proposed medical standards.</p>
<b>Customer Impact:</b>	<p>Although the intention of the legislation is to reduce the burden on business, the initial cost of finding a larger licence fee is likely to affect a proportion of licence holders in the short term.</p> <p>In the medium term, the change to the requirement to renew a driver's licence every year and a Private Hire Operator's licence every 3 years will reduce the overall burden.</p> <p>Some current and prospective drivers may no longer meet the proposed medical standards.</p>
<b>Environment and Climate Change:</b>	No implications arising from this report.
<b>Consultation/Community Engagement:</b>	Consultation with the trade via the Trade Liaison Forum, trade newsletter and website.
<b>Risks:</b>	<p>Some current and prospective drivers may no longer meet the proposed medical standards.</p> <p>Potential cost increase during transition for existing licence holders.</p>
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Licensing Officer
<b>Ext. No.</b>	2213
<b>E-mail:</b>	<a href="mailto:John.meddings@braintree.gov.uk">John.meddings@braintree.gov.uk</a>

## **1. Background**

- 1.1 Braintree District Council is the Licensing Authority under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 for Hackney Carriages and Private Hire Vehicles (Taxi) and grants, amongst others, Hackney Carriage Drivers Licences, Private Hire Drivers' Licences and Private Hire Operators Licences.
- 1.2. Currently under the provisions of Sections 53 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A76) the Council grants drivers of Hackney Carriages and Private Hire Vehicles a one year licence and the Operators of Private Hire Vehicles a three year Licence.
- 1.3. From 1<sup>st</sup> October 2015, following the amendments to Sections 53 and 55 of the LG(MP)A76 by The Deregulation Act 2015, the Council will be required to grant a three year licence to drivers of Hackney Carriage and Private Hire Vehicles and a five year licence to the Operators of Private Hire Vehicles as a standard duration.
- 1.4 The amendments also provide the Council with discretion where it considers it appropriate in the circumstances of the case to grant licences for a lesser period of three and five years for drivers and operators respectively for example a specific request from an applicant or because the Council has concerns in relation to that particular applicant. No request would be granted where the affect would be to take the licence period beyond the relevant period for any documentation check.
- 1.5 The fees for the Licences issued under Sections 53 and 55 of the LG(MP)A76 will be considered by Council on 14<sup>th</sup> September 2015.

## **2. Review**

- 2.1 The amendments to the LG(MP)A76 require the Council to change the duration of the licences currently granted to Hackney Carriage and Private Hire Drivers and the Operators of Private Hire Vehicles. The amendments also provide the opportunity to streamline the application processes, taking into account the views and any concerns of the local Private Hire and Hackney Carriage industry.

## **3. Consultation**

- 3.1 On 22<sup>nd</sup> July 2015, Members of the Licensing Committee agreed that the proposed changes to the application process for Drivers and Operators be put to consultation with the Hackney Carriage and Private Hire trade and the general public.
- 3.2 On 24 July 2015 the Hackney Carriage and Private Hire trade were consulted directly and via the newsletter "Taxi and Private Hire News". The proposed changes were highlighted in both the letter and newsletter which signposted the reader to the Licensing Committee report and minutes of 22 July 2015. The Hackney Carriage and Private Hire trade were also invited to the Taxi Liaison meeting held on 4<sup>th</sup> August 2015.

- 3.3 One response was received during the consultation period. This was from a Private Hire Operator who raised concerns that recruiting drivers over the age of 65 would become more difficult if they required a three year licence. It was also suggested that due to over 65s needing a medical every year, it would be beneficial if the licence issued ran for the same period.
- 3.4 Feedback on the proposed changes was also received at the Taxi Liaison meeting on 4<sup>th</sup> August 2015, which is summarised below:
- What would happen to the licensing requirements once drivers reached the age of 65 if the Council continued to require a medical every year for drivers of this age.
  - The additional financial burden for Drivers and Private Hire Operators who may be locked into a licence for a longer period than may be needed. It was suggested that Driver and Private Hire Operator licences be issued for a shorter duration in the case where a Driver or Private Hire Operator should reach the age of 65.
  - Could Drivers and Operators aged over 65 who were issued a licence, be entitled to a partial refund at the time the licence was surrendered?
  - Could the Council allow payment plans to applicants that may experience financial hardship due to being required to pay a larger fee at the grant of a licence?
  - A concern that some potential applicants or existing licence holders may reconsider being licensed as a result of the introduction of the new fees.

#### **4. Private Hire, Hackney Carriage and Dual Driver's Licences**

- 4.1 The LG(MP)A76 states that the Local Authority may **not** grant a licence to a driver unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence. The LG(MP)A76 also states that applicants are required to submit any such information as may reasonably be considered necessary to enable the Local Authority to determine whether a licence should be granted.
- 4.2 As part of the current Licencing process in place, in addition to an application and fee, new applicants are required to provide the following:
- Group 1 Medical Certificate
  - Enhanced Criminal Records Disclosure provide by the Disclosure and Barring Service.
  - DVLA issued Driver's licence check.
- 4.3 Applicants are also required to pass a knowledge test. Once all requirements are met, in normal circumstances a licence would be issued for a period of 1 year. Applicants with a positive disclosure from the Criminal Record Check or their medical fitness to drive is called in to question are required to attend a Drivers Panel for determination.

- 4.4 Sections 5 to 8 of this report will detail the existing requirements for obtaining a Licence and the proposed requirements from 1st October 2015.

## **5. Medicals**

- 5.1 The Council currently requires a medical at the grant of an initial licence and every four years for drivers less than 65 years of age and annually for drivers over 65 years of age.
- 5.2 It is proposed that the frequency of medicals be reduced from every four years to every three years to correspond with the three year driver's licence. It is good practice for medical checks to be made on each Driver before the initial grant of a licence and thereafter for each application.
- 5.3 There is general recognition that it is appropriate for Hackney Carriage and Private Hire Vehicle Drivers to have more stringent medical standards than those applicable to normal car drivers because:
- they carry members of the general public who have expectations of a safe journey;
  - they are on the road for longer hours than most car drivers; and
  - they may have to assist disabled passengers and handle luggage.

This guidance is detailed in the 'Taxi and private hire vehicle licensing: best practice guidance' issued by the Department of Transport to Local Authorities.

- 5.4 It is common practice for Licensing Authorities to apply the "Group 2" medical standards – applied by the DVLA to the licensing of lorry and bus drivers – to Hackney Carriage and Private Hire Vehicle Drivers. This appears to be best practice. Group 2 Medicals require those licensed drivers over the age of 65 year to undertake an annual medical check.
- 5.5 This is reinforced in best practise advice contained in the "Fitness to Drive": A Guide for Health Professionals published by The Royal Society of Medicine Press Limited (RSM) in 2006. This recommended that the Group 2 medical standards applied by the DVLA in relation to bus and lorry drivers should also be applied by Local Authorities to Hackney Carriage and Private Hire Vehicle Drivers.
- 5.6 The current medical system falls considerably short of the Group 2 Medical Standard. Under the current system an applicant is required to obtain medical consent from their own General Practitioner, who is paid by the applicant. The fee for this service varies greatly and can be up to £220 dependent on what surgery the applicant is registered with and can be treated as a tick box exercise.
- 5.7 Due to increased pressures on General Practitioner surgeries the Council are advised that in some instances, doctors are declining to complete medicals. This leaves applicants in a position where they cannot comply with the application process. In these situations officers have had to take a pragmatic approach by allowing applicants to have the medical completed by another doctor.

- 5.8 There are numerous private medical companies in addition to General Practitioners that will conduct Group 2 medicals. This will make the process of obtaining a medical more accessible. The Council are advised that the cost of obtaining a medical ranges from £50 to £70.
- 5.9 An example where group 2 medical standards are more stringent than the existing standards under group 1 are detailed below.
- 5.10 The Group 2 medical standards usually preclude the licensing of Drivers with insulin treated diabetes. However, exceptional arrangements do exist for Drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to Hackney Carriage and Private Hire Vehicle Drivers with insulin treated diabetes.

## **6. Drivers over 65**

- 6.1 The Council currently requires all drivers over the age of 65 to apply for a licence every year and produce a medical to group 1 standards.
- 6.2 The requirement for a 3 year licence is contrary to the existing licensing application arrangements and Group 2 Medicals require those licensed drivers over the age of 65 year to undertake an annual medical check.

In deciding how to proceed with the licensing requirements for drivers over 65, the Committee should consider the following approaches.

- 6.3 The requirements of the legislation are of course open to interpretation, however it is not clear at this time whether it would be lawful to require all drivers over 65 as part of a blanket policy to obtain a yearly licence. In the absence of guidance which is due with respect to the interpretation of the relevant section, the Council is left to form its own opinion at this time.
- 6.4 An option would be to continue to issue a yearly licence for drivers over 65 however the Council could be open to challenge.
- 6.5 An option would be to issue a licence for 3 years as per the legislative requirement and rely on licensed drivers reporting any medical conditions to the Council should they arise.
- 6.6 This option would be problematic as the system would rely on drivers self-certifying their medical status between licence periods. Experience has shown that some drivers may be reluctant to disclose medical conditions out of a general concern that they may lose their licence.
- 6.7 Another option would be to issue drivers with a 3 year licence and require a yearly medical as part of the conditions of licence.
- 6.8 This option whilst appearing to be sensible would again be problematic. Whilst it is legally possible to place conditions on the drivers of private hire

vehicles it is not for Hackney Carriages. This would create an unequal and unsatisfactory system.

- 6.9 The final option would be to require drivers over 65 with a relevant pre-existing medical history to apply for a yearly licence.
- 6.10 It is believed that this option would satisfy the requirements of the Act by only issuing a licence for a lesser period as the district council think appropriate in the circumstances of the case, although it would fall short of requiring all drivers over 65 to have annual medical checks.
- 6.11 Once the guidance from central Government is received and interpreted, it may be necessary to provide the Committee with an update and further recommendations.

## **7. Criminal Records Check**

- 7.1 The Council currently requires an enhanced Disclosure and Barring Service (DBS) certificate every three years for all drivers. This certificate provides the Authority with a full criminal records history of both current and spent convictions for the applicant.
- 7.2 Following the grant of the Driver's Licence, licence holders are required to declare to the Licensing Authority any convictions obtained during the life of the Licence. Licence conditions require notification within seven days. In certain circumstances, in order to support public protection, the Council may also be notified by the Police of arrests and convictions of Licensed Drivers.
- 7.3 It would seem best practice for Disclosure and Barring Service disclosures to be sought when a licence is first applied for and then every three years. This allows the Authority to make an informed decision on an applicant's 'fit and proper' status in accordance with the provisions of the LG(MP)A76. In the time between the grant and renewal of a licence, the Authority will need to rely on licence holders declaring convictions in accordance with legislation and the Police Act.

## **8. DVLA Licence check**

- 8.1 The Council currently requests DVLA checks every year for all drivers as part of an application. This check enables the Authority to have a current DVLA driving record of convictions and permissions. This allows the Council to make an informed decision as to an applicant's 'fit and proper' status.
- 8.2 Licensed drivers are also required to notify the Council of any motoring convictions received within seven days.
- 8.3 A three year DVLA mandate will still be obtained at application, which will allow for additional checks to be made with the DVLA (if required) throughout the duration of the licence. These additional checks will potentially be intelligence based, or to verify declared convictions.

## **9. Private Hire Operator Licences**



- 9.1 Braintree District Council currently issues Private Hire Operator Licences for a period of three years. The amendments to the LG(MP)A76 will increase this to every five years and licenses can only be granted for a lesser period, as the district council think appropriate in the circumstances of the case.
- 9.2 Braintree District Council does not currently conduct criminal records checks on applicants for Private Hire Operators Licences. The current system relies on the provision of a certificate of good character and a statutory declaration.
- 9.3 Private Hire Vehicle Operators (as opposed to Private Hire Vehicle Drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced Disclosures of criminal convictions cannot be required as a condition of the grant of an operator's licence. A Basic Disclosure, would provide details of unspent convictions only and would comply with current legislation.
- 9.4 The LG(MP)A76 states the Local Authority may **not** grant a licence for operators unless it is satisfied that the applicant is a fit and proper person to hold an operator's licence. The Act also states that applicants are required to submit any such information as may reasonably be considered necessary to enable the Local Authority to determine whether a licence should be granted.
- 9.5 If a Private Hire Operator receives a criminal conviction or fails to comply with the Conditions of Licence, it will be referred to Driver's Panel Sub Committee for consideration as to whether the proprietor remains fit and proper to continue to hold a Private Hire Operator's Licence.

## **10. Compliance**

- 10.1 As a result of Hackney Carriage and Private Hire Drivers Licences duration increasing to 3 years. Members need to be aware of potential additional considerations.
- 10.2 Licensed drivers have always been under a duty to declare criminal and driving convictions during the period of their licence. However, as Members will be aware there is still an ongoing problem of licence holders failing to declare convictions.
- 10.3 It is proposed that the Authority undertake an awareness campaign to remind drivers to declare convictions and inform them of the potential consequences. This would then need to be followed up by a robust stance to breaches from officers via enforcement and members via decision making.
- 10.4 Members determining applications will, if required, have the opportunity to issue licences for a shorter terms. This would be a possible consideration when determining applications presented to a Driver's Panel.

## **11. Transitional Arrangements for Private Hire, Hackney Carriage and Dual Driver's Licences**

- 11.1 The Council will endeavour to manage a smooth transition between the existing process and new process described above.
- 11.2 It is important to manage the transition methodically to minimise the impact upon the authority and individual licence holders.
- 11.3 The consultation advised that an implementation of the three licence period together with the new application process would commence on 1st October 2015. However, the consultation responses indicated that this approach may cause significant impact on the administration of the Licensing Function and Drivers attempting to comply with the new requirements within a short timeframe.
- 11.4 Having regard to this impact, it is considered that a phased implementation could overcome this.
- 11.5 It is an option to issue a driver with a one or two year licence from the next renewal depending on when an individual driver requires their next Criminal Records Check.

Example:

If a driver requires a DBS check from 1 December 2015, they will be issued with a licence for three years to 30 November 2018. If a driver requires a DBS check from 1 December 2016, they will be issued with a one year licence from 1 December 2015 to 1 December 2016 and when their DBS has been processed, the next licence will be issued from 1 December 2016 to 30 November 2019 etc.

- 11.6 By implementing the three year licence in this manner it will take three years for all existing licensed drivers to be standardised. However, it will enable licence renewals to be dealt with at the same time as a DBS disclosure becomes due.
- 11.7 If a licence is issued for a shorter period, the holder will not be expected to undergo more frequent checks. The time between checks would still remain three years.

## **12. Conclusion**

- 12.1 These Recommendations have the potential to reduce the financial burden on applicants and simplify the application process.
- 12.2 The applicants will no longer need to visit the Council annually to renew their licence, potentially saving time and money. This will have a more dramatic effect on the drivers that live in the more rural areas or in other Districts.
- 12.3 If these proposals are approved all licensed driver applications will require all three checks (Criminal, DVLA and Medical) at every application. This would



avoid the current confusion with applicants trying to determine if they need one of the checks or all three. This confusion has ultimately led to drivers being unable to continue working as a licensed driver due to the late submission of a Disclosure and Barring Service application.

### **13. Recommendations:**

#### **13.1 The following recommendations are made in respect of **transitional arrangement:****

Members are asked to approve one of the following two options:

1. That the new application process commences on 1st October 2015.  
or
2. That a phased implementation of the new application process commences on 1<sup>st</sup> October 2015 enabling the Licensing Service to issue a driver with a one or two year licence from the next renewal depending on when an individual driver requires their next Criminal Records Check.

#### **13.2 The following recommendations are made in respect of **Hackney Carriage and Private Hire Driver Licences:****

3. That Private Hire Vehicle and Hackney Carriage Drivers' Licences be granted for 3 years from 1 October 2015 unless the Council consider a lesser period to be more appropriate in the circumstances. No request would be granted where the affect would be to take the licence period beyond the relevant period for any documentation check (ie DVLA, Criminal Record Disclosure, Medical).
4. That medicals are required upon application for a Hackney Carriage and Private Hire Drivers' Licence and required every three years thereafter. That medicals be a Group 2 Medical C1 standard obtainable from any doctor.
5. That an Enhanced Criminal Record Disclosure is required upon application for a Hackney Carriage and Private Hire Drivers' Licence and required every three years thereafter.
6. That a DVLA check of the drivers status are required upon application for a Hackney Carriage and Private Hire Drivers' Licence and required every three years thereafter.

#### **13.3 The following recommendations are made in respect of **Hackney Carriage and Private Hire Driver Licences – Applicant/Drivers aged 65 years and over only:****

Members are asked to approve one of the following three options:

7. From 1<sup>st</sup> October 2015, that a one year Private Hire Vehicle and Hackney Carriage Drivers' Licences Licence be granted to all drivers aged 65 or over at the date of application. Medicals will be required on an annual basis.\*

8. From 1<sup>st</sup> October 2015, that three year Private Hire Vehicle and Hackney Carriage Drivers' Licences be granted unless the Council consider a lesser period to be more appropriate in the circumstances. No request would be granted where the affect would be to take the licence period beyond the relevant period for any documentation check. Medicals will be required on an annual basis as part of the conditions of the Licence.\*
9. From 1<sup>st</sup> October 2015, that Drivers (aged 65 or over at the date of application) with a relevant pre-existing medical history will be granted a one year Private Hire Vehicle and Hackney Carriage Drivers' Licence. Medicals will be required on an annual basis.\*

\*Recommendations 5 and 6 set out above apply.

13.4 The following recommendations are made in respect of **Private Hire Driver Operator's Licences:**

10. That Private Hire Operator's Licences be granted for 5 years, from 1<sup>st</sup> October 2015, unless the Council consider that a lesser period be more appropriate in the circumstances.
11. That a Basic Criminal Records Disclosure (obtained from Basic Disclosure Scotland) is required upon application for Private Hire Operator's Licences.
12. That medicals are required upon application for a Hackney Carriage and Private Hire Drivers' Licence applicants over the age of 65 with a pre-existing medical history and required annually thereafter. That medicals to be a Group 2 Medical C1 standard obtainable from any doctor.

<b>BRAINTREE DISTRICT COUNCIL'S REVISED LICENSING POLICY STATEMENT IN RESPECT OF THE GAMBLING ACT 2005</b>		<b>Agenda No: 7</b>
<b>Portfolio</b>	Environment and Place	
<b>Corporate Priority:</b>	Supporting vulnerable people in our community Promoting safe and healthy living Boost employment skills and support business Promoting and improving our town centres	
<b>Report presented by:</b>	John Meddings, Licensing Officer	
<b>Report prepared by:</b>	John Meddings, Licensing Officer	
<b>Background Papers:</b>	Public Report	
Braintree District Council Draft Gambling Licensing Policy Statement 2015 – Appendix 1 Report and Minutes of the Licensing Committee of 29.04.15 Equality Impact Assessment		Key Decision: No
<b>Executive Summary:</b>		
To consider the revised Braintree District Council Gambling Licensing Policy Statement in respect of the Gambling Act 2005. Each Authority is legally required to formulate its own Gambling Licensing Policy Statement, which must be reviewed and re-published every three years. The current Braintree District Council Gambling Licensing Policy Statement came into effect on the 5 June 2013.		
<b>Decision:</b>		
That the draft Braintree District Council Gambling Licensing Policy Statement be approved and recommended to Full Council for adoption.		
<b>Purpose of Decision:</b>		
To ensure that the Council has adopted a Gambling Licensing Policy Statement in accordance with the Gambling Act 2005.		

Any Corporate implications in relation to the following should be explained in detail	
<b>Financial:</b>	The principle behind modifying the policy is to minimise any risk of a judicial review from an aggrieved applicant.
<b>Legal:</b>	Failure to adopt a policy in line with the Gambling Act 2005 will result in the Council not being able to administer the licensing functions under the Gambling Act 2005.
<b>Safeguarding:</b>	The policy document deals with the protection of children and vulnerable adults.
<b>Equalities/Diversity:</b>	None arising out of this report. An Equality Impact Assessment has been produced.
<b>Customer Impact:</b>	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
<b>Environment and Climate Change:</b>	None arising out of this report. The responses to the consultation process may result in issues which will need to be considered.
<b>Consultation/Community Engagement:</b>	The period of consultation ran for four weeks in order to give all of the identified stakeholders an opportunity to comment on the proposals. The draft policy has been placed on the Authority's website for comment for the duration of the consultation period.
<b>Risks:</b>	None arising out of this report.
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Licensing Officer
<b>Ext. No.</b>	2213
<b>E-mail:</b>	<a href="mailto:john.meddings@braintree.gov.uk">john.meddings@braintree.gov.uk</a>

## 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 entertainment 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 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.
- 1.5 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.

- 1.6 The Commission highlights the strengthening of the narrative emphasising the role and powers of licensing authorities and their mandate to manage local gambling provision.
- 1.7 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.
- 1.8 It is proposed that once the updated guidance from the Gambling Commission is published in the latter part of 2015 a further review of Braintree District Council's Gambling Licensing Policy Statement will be undertaken. If amendments are required a further report will be put before the Licensing Committee.

## **2. Consultation**

- 2.1 A draft Gambling Licensing Policy Statement, which is based upon the Essex Authorities generic framework, has been made available for public consultation for a period of four weeks.
- 2.2 Letters advising of the consultation have been sent to Responsible Authorities, Members and other persons who would have an interest in the policy and to businesses that are, or will be, holders of a premises licence.
- 2.3 The policy has been made available for viewing via the Council's website.
- 2.4 The Authority received no responses during the consultation period.

## **3. Equality Impact Assessment**

- 3.1 In accordance with the Authority's obligations under the Equalities Act 2010, a draft Equality Impact Assessment 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.

# 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 31<sup>st</sup> 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](mailto: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](http://www.braintree.gov.uk)

13.6 Braintree District Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.

## **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.

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

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions, which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

15.2 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 of 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.

<p style="text-align: center;"><b>PART C</b> <b>PERMITS/TEMPORARY OR OCCASIONAL USE</b> <b>NOTICES/REGISTRATIONS</b></p>
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## **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](http://www.braintree.gov.uk)) or in hard copy from our Licensing Department, Tel 01376 557790.

## **26 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

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

### **26.2 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:

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

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

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

## Definitions

## Appendix 1

Adult	An individual who is not a child or young person.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect (Premises limited to entry by adults making Category B, C and D gaming machines available to their customers).
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a gaming machine).
Bingo	A game of equal chance.
Braintree District Council	The area of Essex administered by the Braintree District Council (see map – Appendix 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"> <li><input type="checkbox"/> Automatic provision</li> <li><input type="checkbox"/> Regulations provided by Secretary of State</li> <li><input type="checkbox"/> Conditions provided by Gambling Commission</li> <li><input type="checkbox"/> Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank

	and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Small Society Lottery (required to register with Licensing Authorities).</li> <li><input type="checkbox"/> Incidental Non Commercial Lotteries.</li> <li><input type="checkbox"/> Private Lottery (Private Society, Work or Residents lottery).</li> <li><input type="checkbox"/> Customer Lotteries.</li> </ul>
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the Lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3 <sup>rd</sup> edition dated May 2009.
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>
Incidental Non Commercial Lottery	A Lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	<p>A person who:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> lives sufficiently close to the premises to be likely affected by the authorised activities;</li> <li><input type="checkbox"/> have business interests that might be affected by the authorised activities, or</li> <li><input type="checkbox"/> represents persons in either of these two groups.</li> </ul> <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"> <li>1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>2. Ensuring that gambling is conducted in a fair and Open way.</li> <li>3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.</li> </ol>
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> identify the promoting society;</li> <li><input type="checkbox"/> state the price of the ticket, which must be the same for all tickets;</li> <li><input type="checkbox"/> state the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and</li> <li><input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Members' Club	<p>A Club that must:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> have at least 25 members;</li> <li><input type="checkbox"/> be established and conducted 'wholly or mainly' for purposes other than gaming;</li> <li><input type="checkbox"/> be permanent in nature;</li> <li><input type="checkbox"/> not be established to make commercial profit; and</li> <li><input type="checkbox"/> be controlled by its members equally.</li> </ul>
Occasional Use Notice	Betting may be permitted on a 'track' for eight days or less in a calendar year without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.

On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	<p>Issued by the Gambling Commission. Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling</p> <ul style="list-style-type: none"> <li>- Casino Operating Licence</li> <li>- Bingo Operating Licence</li> <li>- General Betting Operating Licence</li> <li>- Pool Betting Operating Licence</li> <li>- Betting Intermediary Operating Licence</li> <li>- Gaming Machine General Operating Licence (for an Adult – Gaming Centre Operator or a Family Entertainment Centre)</li> <li>- Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)</li> <li>- Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software)</li> <li>- Lottery Operating Licence</li> </ul>
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises. Issued by the Licensing Authority (for Unlicensed Family Entertainment Centres, Prize Gaming, Gaming Machines, on alcohol related premises, Club Gaming and Club Gaming Machines).
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place', including a vehicle, vessel or moveable structure. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</li> <li>❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</li> <li>❑ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</li> </ul>
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised

	by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> <li><input type="checkbox"/> Expects to be constructed.</li> <li><input type="checkbox"/> Expects to be altered.</li> <li><input type="checkbox"/> Expects to acquire a right to occupy.</li> </ul>
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:- <ul style="list-style-type: none"> <li><input type="checkbox"/> Braintree District Council acting as the Licensing Authority</li> <li><input type="checkbox"/> The Gambling Commission</li> <li><input type="checkbox"/> The Chief Officer of Police (Essex Police)</li> <li><input type="checkbox"/> Essex County Fire and Rescue Service</li> <li><input type="checkbox"/> Local Planning Authority, ie Braintree District Council Planning Department</li> <li><input type="checkbox"/> The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health</li> <li><input type="checkbox"/> Essex Local Safeguarding Children's Board</li> <li><input type="checkbox"/> HM Revenue and Customs</li> <li><input type="checkbox"/> Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency</li> <li><input type="checkbox"/> Other persons prescribed by the Secretary of State</li> </ul> Full details of Responsible Authorities for the Braintree District are contained in Appendix '2' to this Policy.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
The Act	The Gambling Act 2005.

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

## **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: <a href="mailto:licensing@braintree.gov.uk">licensing@braintree.gov.uk</a> Website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>
Essex Police	Licensing Officer Braintree Police Station Blyth's Meadow Braintree Essex CM7 3DJ	Telephone: 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: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> Website: <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

### Useful Contacts

#### **Trade Associations:**

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

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

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

#### **Other Links**

Department for Culture, Media & Sport	<a href="http://www.culture.gov.uk">www.culture.gov.uk</a>
Casino Advisory Panel	<a href="http://www.webarchive.nationalarchives.gov.uk/+/http://www.culture.gov.uk/cap/">www.webarchive.nationalarchives.gov.uk/+/http://www.culture.gov.uk/cap/</a>



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

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING COMMITTEE</b>	<b>OFFICERS</b>	<b>HEAD OF SERVICE</b>
Three year Licensing Policy review	All cases			
Fee Setting – when appropriate	All cases			
Authority to make minor amendments to the Gambling Act policy statement in conjunction with the Chairman of the Licensing Committee				All cases
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Application for a Variation to a Licence		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Application for a Transfer of a Licence		Where representations have been received from the commission	Where no representations have been received from the commission	
Application for a Provisional Statement		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Authority to make representations to all applications on behalf of the Licensing Authority		All cases		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.

	<b>Machine category</b>						
<b>Premises Type</b>	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](http://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](http://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](http://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 £
<b>A</b>	<b>Unlimited</b> – No category A gaming machines are currently permitted	
<b>B1</b>	<b>5</b>	<b>10,000</b>
<b>B2</b>	<b>100 (in multiples of £10)</b>	<b>500</b>
<b>B3</b>	<b>2</b>	<b>500</b>
<b>B3A</b>	<b>2</b>	<b>500</b>
<b>B4</b>	<b>2</b>	<b>250</b>
<b>C</b>	<b>1</b>	<b>100</b>
<b>D money prize</b>	<b>10p</b>	<b>£5</b>
<b>D no money prize (other than a crane grab machine or a coin pusher or penny falls machine)</b>	<b>30p</b>	<b>8</b>
<b>D nonmoney prize (crane grab machine)</b>	<b>1</b>	<b>50</b>
<b>D combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	<b>10p</b>	<b>£8 (of which no more than £5 may be a money prize)</b>
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	<b>10p</b>	<b>£15 (of which no more than £8 may be a money prize)</b>

**Fig. 2**

	<b>Machine category</b>						
<b>Premises Type</b>	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 13<sup>th</sup> 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 13<sup>th</sup> July 2011 but before 1<sup>st</sup> 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 1<sup>st</sup> 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.

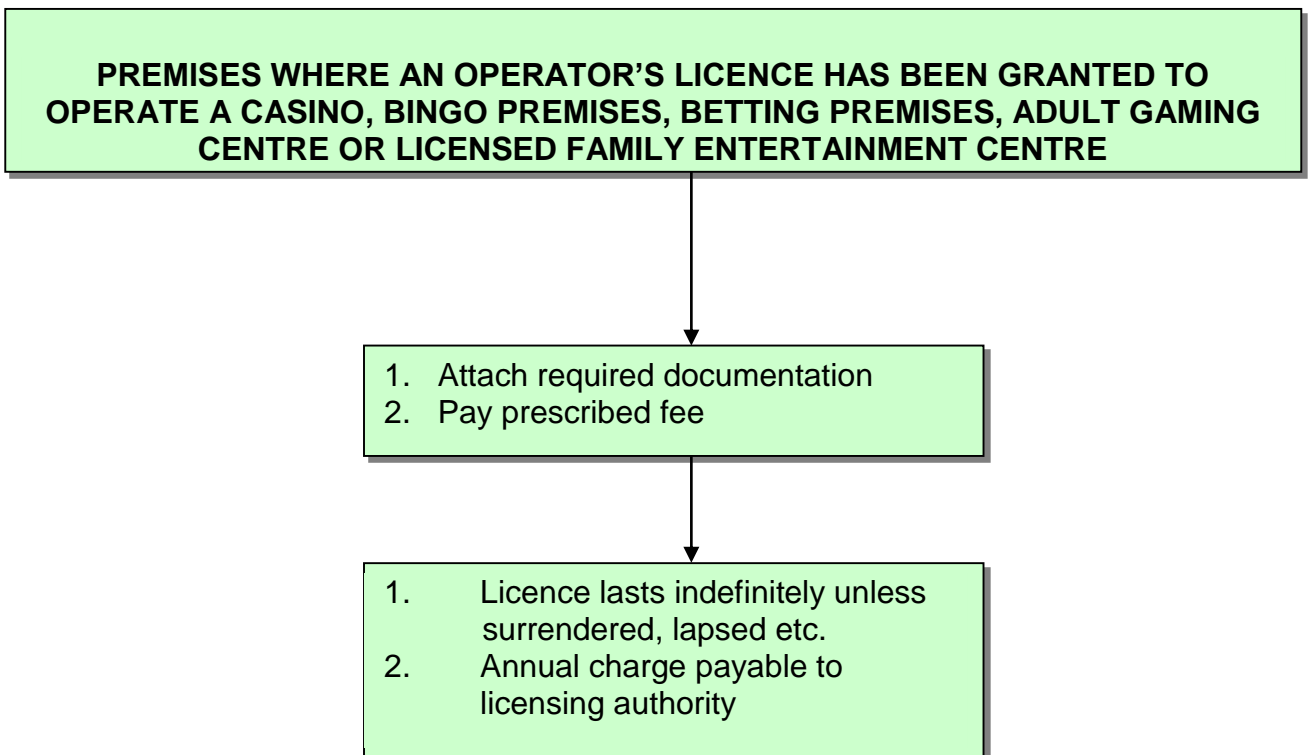
#### **Issue**

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**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
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**

	<b>Machine category</b>							
<b>Premises Type</b>	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B3A</b>	<b>B4</b>	<b>C</b>	<b>D</b>
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](http://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](http://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](mailto: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 Council's 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
<b>Age</b>	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+	√		
<b>Disability Include disabled people and/or carers</b>	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	√		
<b>Gender</b>	Men			Neutral impact
	Women			
	Transgender			
	Pregnancy & Maternity impact			
	Marriage & Civil Partnership			
<b>Race</b>	White			Neutral impact
	Asian			
	Black			
	Mixed Dual Heritage			

<b>Religion/Belief</b>	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	√		
<b>Sexual Orientation</b>	Lesbian Gay men Heterosexual Bi-sexual			Neutral impact
<b>Other (optional)</b>	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**

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

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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](mailto: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.