



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Licensing Committee

Members:

Councillor Colin Hedgley (Chairman)
Councillor Mark Newton (Vice-Chairman)
Councillor Paul Ashdown
Councillor Edward Back
Councillor Linda Coulam
Councillor Janet Craig
Councillor John Fisher
Councillor Tony Goldson
Councillor Frank Mortimer
Councillor Trish Mortimer
Councillor Keith Patience
Councillor Russ Rainger
Councillor Keith Robinson
Councillor Rachel Smith-Lyte
Councillor Steve Wiles

Members are invited to a **Meeting of the Licensing Committee**
to be held in the Conference Room, Riverside,
on **Monday, 18 October 2021 at 6.30pm**

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with East Suffolk Council's coronavirus arrangements and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead
at <https://youtu.be/7z2rdXTC5IA>

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to democraticservices@eastsoffolk.gov.uk, of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

Part One – Open to the Public

	Pages
1 Apologies for Absence and Substitutions	
2 Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3 Minutes To confirm as a correct record the Minutes of the meeting held on 19 July 2021.	1 - 5
4 Review of Gambling Act 2005 Statement of Principles ES/0921 Report of the Cabinet Member with responsibility for Community Health	6 - 61
5 Issued Licenses in East Suffolk and an Overview of the Work of the Licensing Sub-Committees - July to September 2021 ES/0922 Report of the Cabinet Member with responsibility for Community Health	62 - 71

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



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Unconfirmed



Minutes of a Meeting of the **Licensing Committee** held in the Deben Conference Room, East Suffolk House, on **Monday, 19 July 2021 at 6.30pm**

Members of the Committee present:

Councillor Edward Back, Councillor Linda Coulam, Councillor Janet Craig, Councillor John Fisher, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Mark Newton, Councillor Keith Patience, Councillor Keith Robinson, Councillor Steve Wiles

Other Members present:

Councillor Tony Cooper, Councillor Mary Rudd

Officers present: Teresa Bailey (Senior Licensing Officer), Chris Bing (Head of Legal and Democratic Services), Sarah Carter (Democratic Services Officer), Martin Clarke (Acting Legal and Licensing Services Manager), Matt Makin (Democratic Services Officer), Alison Woodley (Licensing Officer)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ashdown, F Mortimer and T Mortimer.

Councillor Cooper attended the meeting as a Substitute for Councillor Ashdown.

2 Declarations of Interest

There were no Declarations of Interest.

3 Minutes

RESOLVED

That the Minutes of the Meeting held on 19 April 2021 be confirmed as a correct record and signed by the Chairman.

4 Department for Transport Statutory Taxi and Private Hire Vehicle Standards and Review of Existing Policy

The Cabinet Member for Community Health introduced report ES/0845, the purpose of which was to report the outcome of the recent consultation exercise on the proposals required to meet the Department for Transport's (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' and the proposed changes required following a review of existing policy and guidance documents, and to agree future arrangements.

The Senior Licensing Officer reminded Members that, at their last meeting, they had approved a consultation exercise to be undertaken on the Department for Transport's (DfT) Statutory Taxi and Private Hire Vehicle Standards and the proposed changes required following a review of existing policy and guidance documents. That consultation had been undertaken from 10 May to 20 June 2021 and 19 responses had been received. Full details were set out in the report and the consultation responses were contained in Appendix D to the report.

The Senior Licensing Officer advised that much of what was suggested in the guidance had already been adopted by East Suffolk Council and it was proposed to bring the Council's policies and guidance into one policy document. The majority of responses related to CCTV and the majority of respondents stated that they would not wish it to be mandatory. The Licensing Team wished to adopt the DfT's standards for convictions and no adverse comments on that proposal had been received. Again, no adverse comments had been received on the general Taxi and Private Hire Policy.

The Committee was requested to consider the recommendations in the report.

Members raised questions relating to:

- Whether the DfT actually proposed that CCTV should be mandatory.
- Number of responses received compared to those consulted.
- Costs of CCTV and that cost being imposed on the drivers.
- If the Committee insisted on CCTV whether the Council would fund it.

The Senior Licensing Officer advised that the DfT had suggested the Council consult on whether or not CCTV in taxis should be mandatory. The consultation had been sent to about 300 drivers and proprietors, all Town and Parish Councils and it was advertised on the website. 19 responses had been received out of about 500 that had been consulted.

The Acting Legal and Licensing Services Manager advised that CCTV would be a minimum of £600 per vehicle and for all private hire vehicles and hackney carriages that would take it to a minimum total of around £221,000. The Cabinet Member for Community Health advised that the Council was not in a position to fund CCTV in taxis.

During the ensuing debate, Members were of the opinion that the trade were unlikely to be able to afford the cost of CCTV but it might be a long term aim on the production of a new vehicle. Comment was made that the DfT could fund CCTV if it insisted on it

being mandatory. Members agreed that Covid had affected income and some drivers were finding it difficult to pay for their badge and the licence fees. The Senior Licensing Officer explained that the DfT was not requiring CCTV to be installed in all cars, it had just made the request to consult. In East Suffolk, there was no prevalent crime in taxis. Whilst noting that CCTV would protect both drivers and passengers, there was little interest from new drivers to take on the work and that the cost of CCTV might be a deterrent. It was suggested that the requirement for CCTV could be reviewed in one year. A Member pointed out the financial burden of introducing mandatory CCTV, and commented that the cost would be more like £800 per car and £1,000+ for a minibus, with monthly running costs of up to £30. From some of the responses, particularly in the north of the district, it seemed apparent that the drivers did not want CCTV.

In response to a question relating to vehicle inspections and the use of the Rotterdam Road depot, the Senior Licensing Officer confirmed that the depot could still undertake such checks at the present time. However, she confirmed they had to review agency garages every so often.

As far as compliance with the standards, the Senior Licensing Officer advised that the Council expected to be compliant by the end of the year and the Government would monitor that. She anticipated that the new policy would be published by the end of the year. Licensing were trying to appoint a tutor in conjunction with East Coast College to offer a course for drivers.

Some Members were of the opinion that the introduction of CCTV could be reviewed and it was proposed and seconded that such a review be considered in 12 months. There being no further debate, it was

RESOLVED

1. That it be agreed to implement the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents.
2. That, subject to a review in 12 months time, it be agreed to continue with the current policy for CCTV where it is optional for drivers and vehicle proprietors to have CCTV in their licensed vehicles.

5 Review of Gambling Act 2005 Statement of Principles

The Cabinet Member for Community Health introduced report ES/0846 which presented a draft revised edition of the Gambling Statement of Principles and sought approval to consult on the revised document.

The Senior Licensing Officer explained that Section 349 of the Gambling Act 2005 required all Licensing Authorities to prepare and publish a statement of the principles that they proposed to apply when exercising their functions under the Act. That statement had to be reviewed every three years and the Council's next revised guidance was due to be published in January 2022. The draft Statement of Principles was appended to the report and she drew attention to updated information including:

- The removal of any reference to Suffolk Coastal and Waveney District Councils.
- An extended consultees list.
- The removal of the local area profile from the main body of the document to allow changes to be made without the need to consult each time.
- An amendment to the maximum stake for a B2 category gaming machine from £100 to £2 which came into force in April 2019.

The full Statement of Principles was attached to the report at Appendix A and Appendix B set out the Local Area Profile. The Committee was being asked to approve the necessary consultation.

Having considered the report and proposed amendments, Members unanimously

RESOLVED

1. That the proposed amendments to the draft revised edition of the Gambling Statement of Principles be agreed.
2. That the proposed consultation for the draft revised edition of the Gambling Statement of Principles be agreed.

6 Issued Licences in East Suffolk and an Overview of the Work of the Licensing Sub-Committees - April to June 2021

The Cabinet Member for Community Health introduced report ES/0847 which provided Members with information relating to issued licences in East Suffolk and gave an overview of the work of the Licensing Sub-Committees during the period April to June 2021.

The Acting Legal and Licensing Services Manager advised that the report gave details of the number and type of licences issued by the Council. He drew particular attention to the 36 applications received during April to June 2021 and explained that 24 licences had been issued, three surrendered, one had been withdrawn, and eight were outstanding. Since the preparation of the report one case, the Hog Hotel, had appealed to the Magistrates' Court and a second one, Saxmundham Local, had been granted following a hearing. The two applications referred to in paragraph 1.3 had now been determined and granted following the relevant hearings. In that same period, seven premises licence application were subject to consultation and six hearings had been held.

The Acting Legal and Licensing Services Manager drew attention to paragraph 2.1 which gave details of the 1,009 premises licences and paragraph 2.2 relating to the 28 Gambling Act premises licences. Paragraph 2.3 in the report set out details of the increase in taxi and private hire licences which now totalled 101 hackney carriage vehicles and 197 hackney carriage/private drivers; 295 private hire vehicles and 301 private hire drivers; and 79 private hire operators. The figures included two new rickshaw drivers. During the period April to June 2021, there had been one hearing regarding a taxi/private hire licence.

In response to a question relating to gambling premises, the Acting Legal and Licensing Services Manager confirmed there were 38 in total, comprising 10 bingo premises, 11 adult gaming centres, 1 family entertainment, and 16 betting premises licences.

Members thanked the officers for a very informative report and

RESOLVED

That the Overview of the Work of the Licensing Team and the Licensing Sub-Committees during the second quarter of 2021 be noted.

7 Exempt/Confidential Items

RESOLVED

That, under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

8 Exempt Minutes

- Information relating to any individual.

Announcements

Prior to the formal closure of the meeting, the Committee expressed thanks to the Licensing Team for their work over the last quarter.

The Chairman also expressed thanks to those Committee Members who had not only taken the time to attend hearings but also to those Members who had chaired the Sub-Committee meetings.

The meeting concluded at 7.20pm.

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Chairman



LICENSING COMMITTEE
Monday, 18 October 2021

Subject	REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@east Suffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To present to the Licensing Committee responses to the consultation on the draft Gambling Statement of Principles. The draft statement was presented to the Licensing Committee at its meeting on 19 July 2021 where the consultation was agreed.

Options:

- 1) To approve the revised edition of the Gambling Statement of Principles in order that full Council can adopt the statement at its meeting in November, ready for publication on 31 January 2022.
OR
- 2) Not to approve revised edition of the Gambling Statement of Principles

Recommendation/s:

That the Committee:

Considers any responses to the consultation and approves the revised edition of the Gambling Statement of Principles in order that full Council can adopt the statement at its meeting in November, ready for publication on 31 January 2022.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Gambling Statement of Principles
Safeguarding Policy

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:

No impact

Legal:

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. This statement has to be reviewed every 3 years.

Risk:

The intention of the Gambling Act is that children, young persons and vulnerable people should not be permitted to gamble. The publication of the Gambling Statement of Principles sets out how East Suffolk Council will approach and deal with applications and how it aims to permit the use of premises for gambling purposes in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of principles.

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

<p>External Consultees:</p>	<p>The draft revised Statement of Principles, agreed at the July meeting, was sent out for consultation for a four week period commencing 26 July 2021 and ending 22 August 2021.</p> <p>Consultation bodies:</p> <ul style="list-style-type: none">• The Chief Officer of Police.• The Responsible Authorities named in the Gambling Act 2005.• Persons carrying on gambling businesses within the district.• Groups representing vulnerable persons.• Organisations within the trade.• Parish and Town Councils. <p>Details of the consultation were also sent to all district councillors and were available on the Council's website.</p>
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Strategic Plan Priorities

<p>Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i></p>	<p>Primary priority</p>	<p>Secondary priorities</p>
<p>T01</p>	<p>Growing our Economy</p>	

P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

1.1 Licensing plays an important role in the themes in the Council’s Strategic Plan of growing our economy and enabling our communities. The Gambling Statement of Principles gives clear guidance on gambling matters to applicants, licensees and the public; promoting economic growth for local businesses whilst enabling the community to make constructive representations should the need arise.

Background and Justification for Recommendation

1 Background facts	
1.1	The Gambling Act 2005 replaced most of the existing law about gambling in Britain save that it does not include, within its scope, the National Lottery or remote (online) gambling.

	<p>The Act has three core objectives:</p> <ul style="list-style-type: none"> • 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
1.2	<p>Local authorities have responsibility for publishing a three-year Statement of Principles and the next revised guidance must be published by January 2022.</p> <p>In producing its Statement of Principles the Licensing Authority must have regard to the Licensing objectives of the Gambling Act 2005 and the Guidance for Local Authorities issued, and updated periodically, by the Gambling Commission.</p>
1.3	<p>The requirements as to the form and publication of a statement of principles are set out in regulations and include the following sections:</p> <ul style="list-style-type: none"> (a) An introduction summarising the matters contained within the statement, describing the geographical area to which the statement applies, and listing the persons consulted in preparing the statement. (b) The principles to be applied by the authority in designating, in writing, a body which is competent to advise the authority about the protection of children from harm. (The licensing authority has discretion to determine the most appropriate body competent to advise it about the protection of children from harm. Consideration must be given as to which body best fulfils this function and the statement should set out this consideration, or the criteria that will be used.) (c) The principles to be applied by the authority to determine whether a person is an interested party in relation to the premises licence, or in relation to an application for or in respect of a premises licence. (d) The principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section.

2 Current position

2.1	East Suffolk carried out its last consultation and review in 2018. The current Statement of Principles was published in January 2019 and covers the period 31 January 2019 to 31 January 2022.
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3 How to address current situation

3.1	The Statement of Principles has been updated and was approved by the Licensing Committee in July for a 4 week consultation – Appendix A . It was agreed that responses to the consultation would be reported to the next meeting of the Licensing Committee in in order that full Council can adopt the statement at its meeting in November 2021.
3.2	<p>During the consultation period the Licensing Team received just one email relating to the proposed Gambling Statement of Principles revision.</p> <p>GambleAware, a provider of prevention and treatment services for gambling harms, emailed acknowledgement of receipt of the invitation to comment. They said that due to resource constraints on a small charity, they were not able to offer specific feedback on our policy but attached some information which Local Authorities may find useful. Response attached as Appendix B.</p>

4 Reason/s for recommendation

4.1	The Gambling Act 2005 required all Local Authorities to adopt a Statement of Principles and to update this Statement, following a consultation procedure, by January 2010 and three yearly thereafter.
4.2	The current Statement of Principles is due for a review and the new document must be published in January 2022.

Appendices

Appendices:

Appendix A	Revised Gambling Act 2005: Statement of Principles.
Appendix B	Consultation response from GambleAware

Background reference papers:

Date	Type	Available From
None		



GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

DRAFT

January 2022

**Effective: 31 January 2022 until 31 January 2025
(unless revised sooner)**

Preface:

This '**Gambling Act 2005: Statement of Principles**' document has been drafted in partnership with the other Licensing Authorities across Suffolk with an aim of creating a broadly consistent Countywide document for the benefit of all stakeholders with an interest in the Gambling Act 2005 function.

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. This document is the fifth such statement for this Licensing Authority and must, by order of the Secretary of State, be published by 14 January 2022.

This document has been developed with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of the legislation and any consultee responses. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this 'Statement of Principles' document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the Licensing Authority.

All references made within this document to the Gambling Commission Guidance for Licensing Authorities, and any extracts quoted thereof, refer to the 5th edition Guidance document published in September 2015 and subsequent revisions.

For further information please refer to:

www.gamblingcommission.gov.uk

www.eastsuffolk.gov.uk

GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

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PART A - GENERAL

1. The Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 ('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.**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children excepting category D machines.

1.2 In accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices the Licensing Authority should **aim to permit** the use of the premises for gambling purposes in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of principles.

2. Introduction

2.1 Located on the east coast of England, East Suffolk has a strong, diverse and dynamic economy with a wide range of opportunities for future growth alongside major economic, cultural, heritage and environmental assets.

The largest town is Lowestoft with a population of around 70,000 and home to just under a third of the 240,000 people who live within East Suffolk. Almost 50 miles away and to the south, Felixstowe is the second largest settlement home to around 25,000

people. Then there are smaller market towns – like, Woodbridge, Leiston, Framlingham, Halesworth, Beccles and Bungay. – which are distributed around East Suffolk and typically have populations of 5,000-10,000 people.

Most of these settlements are connected principally by the A12 – which forms a “north-south spine” through East Suffolk and extends from London, Chelmsford, Colchester and Ipswich in the south to Lowestoft in the north. The north of East Suffolk (Lowestoft in particular) continues to have strong links to Great Yarmouth and Norwich (about 30 miles away).

East Suffolk has a wide-ranging portfolio of cultural, heritage and environmental assets and a very distinctive and diverse visitor economy. It is home to outstanding landscapes of rivers, estuaries and nature reserves (some within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty) as well as the ‘southern gateway’ to the Broads National Park and a coastline that extends for close to fifty miles. Major heritage assets range from Anglo-Saxon archaeology and the birthplace of radar at Bawdsey to castles, forts and museums. It is an area which people enjoy, and many choose to spend their leisure time there.

The area also hosts economic assets and opportunities that are amongst the most significant anywhere in the UK and are defining features of East Suffolk’s current economic character and its future potential. These include the UK’s busiest container port at Felixstowe, the home of BT’s Global Research and Development Headquarters at Adastral Park in Martlesham, major developments in offshore and renewable energy in Lowestoft and potential future growth surrounding nuclear power in relation to Sizewell.

East Suffolk



- 2.2 Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts must be re-consulted upon. Following any amendment

and consultation, the revised statement will then be re-published.

2.3 East Suffolk Council consulted widely upon this statement of principles before it was finalised and published.

2.4 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- 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 Gambling Act 2005.

A list of the persons and organisations consulted by the Licensing Authority is attached to this document as Appendix A.

The consultation took place between XX 2021 and XX 2021.

The full list of comments made and the consideration by the Licensing Authority of those comments is available upon request by contacting the Licensing team via email on licensing@eastssuffolk.gov.uk

2.5 The revised statement of principles was approved at a meeting of the Full Council on XX 2021. Copies are available upon request from the Licensing Team. Should you have any comments concerning this document then please send them to the Licensing Team, as above.

2.6 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

3.1 In producing this statement of principles the Licensing Authority declares that it has had due regard to the licensing objectives of the Gambling Act 2005 (see 1.1 of this document), the Guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles.

4. Licence Conditions and Codes of Practice.

4.1 Operators should be mindful of the Commission's published Licence Conditions and Codes of Practice (LCCP) which were substantially updated in February 2015 and provide sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority ie. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

5. Risk Assessments and Area Profiles.

5.1 Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

5.2 The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

5.3 Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders
- ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

5.4 New code provisions covering risk assessments and local authority area profiles came into force in April 2016. More detail can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk. The following are extracts relating to this aspect:

5.4.1 Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.

5.4.2 Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

5.5 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children gather;
- the demographics of the area in relation to vulnerable groups,
- whether the premises is in an area subject to high levels of crime and/or disorder.

The local risk assessment should show how vulnerable people, including those with gambling dependencies are protected.

5.6 The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

5.7 **Local Area Profile**

Such risk assessments can make reference to the council's local area profile which may be compiled with respect to reported gambling-related problems in an area. East Suffolk's local area profile is an assessment of the local environment and identifies key characteristics. At the time of preparing this edition of the Statement of Principles there has been no evidence to suggest that any part of the East Suffolk district is experiencing problems from gambling activities. The local area can change, and it is important to retain the ability to review and update the local area profile so that any current and emerging risks can be included. For this reason, the local area profile is not included within the body of this Policy and is published as a separate document. It is available by request from the Licensing Team licensing@eastsoffolk.gov.uk

6. Responsible Authorities

6.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm. The principles are:

- 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 vested interest group

- 6.2 In accordance with the Gambling Commission Guidance for Licensing Authorities this Authority intends to designate the **Suffolk Safeguarding Children Board** for this purpose. The Suffolk Safeguarding Children Board has an arrangement with the Suffolk Constabulary for the Constabulary to act as their nominated agent in relation to Gambling Act 2005, when considering applications with a view to protecting children from harm.
- 6.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the East Suffolk Council website at www.eastsuffolk.gov.uk or available upon request to the Licensing Team.

7. Interested parties

- 7.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. The Gambling Act 2005 defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) have business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 7.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits.
 - The Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
 - The size of the premises;
 - The nature of activities the applicant proposes to provide at the premises; and
 - Guidance from the Gambling Commission that “business interests” should be given the widest possible interpretation (see paragraph 6.25 of the GC guidance)
- 7.3 Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the Licensing Authority will normally require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities.
- 7.4 If individuals approach Councillors to ask them to represent their views then care should be taken that the Councillors are not subsequently appointed as part of a Licensing Sub - Committee who may be involved with determination of the licence application. If any further guidance is required, generally or in individual cases, then please contact the Licensing Team.

8. Exchange of Information

- 8.1 This Licensing Authority will, when exchanging information which it holds relating to gambling premises, permits and temporary permissions, apply the following principles:
1. act in accordance with the provisions of the Gambling Act 2005
 2. comply with the Data Protection Act 1998 it;
 3. comply with any relevant requirements of the Freedom of Information Act 2000
 4. have regard to Part 13 of the Guidance issued by the Gambling Commission on this matter;
 5. the Gambling Commission's publication '*Advice to Licensing Authorities on information exchange with the Gambling Commission*' (as may be periodically updated); and
 6. any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.2 Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the Act then these will be made available by the Licensing Authority.

9. Enforcement

- 9.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission Guidance (in particular Part 36), the Regulators' Compliance Code - and shall endeavour to regulate in the public interest and be:
- Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 9.3 In accordance with the Gambling Commission Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 Any inspection programme, which may be adopted by the Licensing Authority, shall be risk-based.
- 9.5 The enforcement and compliance role for the Licensing Authority under the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator

and Personal Licences. Manufacture, supply or repair of gaming machines is dealt with by the Gambling Commission and not the licensing authority.

- 9.6 This Licensing Authority will also endeavour to work in partnership with and support local businesses, having due regard to the stated principles and any best practice guidelines published by the Better Regulation Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority.
- 9.7 With due regard to the principle of transparency, any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request to the Licensing Team.
- 9.8 In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

10. Licensing Authority functions

- 10.1 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling, the main functions of which are to:
- Licence **premises** for gambling activities;
 - Consider **notices** given for the temporary use of premises for gambling;
 - Grant **permits** for gaming and gaming machines in **clubs and miners' welfare institutes**;
 - Regulate gaming and gaming machines in **alcohol-licensed premises**;
 - Grant **permits** to **Family Entertainment Centres** (FEC's) for the use of certain lower stake gaming machines;
 - Grant permits for **prize gaming**;
 - Consider **occasional use notices** for betting at tracks;
 - Register small societies' lotteries;
 - Consider applications for **provisional statements**;
 - Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued (see section 6 above on 'Exchange of Information');
 - Maintain registers of the permits, notices and licences that are issued under these functions; and
 - Prepare and publish, every three years (or sooner if required), a **statement of the principles** it proposes to apply when exercising its functions under the Gambling Act 2005.

Additions or amendments to the list above notified by the Gambling Commission will be published on the Council's Website.

- 10.2 It should be noted that local Licensing Authorities are not responsible for licensing remote gambling. This is the responsibility of the Gambling Commission.

11. Appeals

- 11.1 Appeals relating to premises licensing and other decisions by licensing authorities are

covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

PART B - PREMISES LICENCES

1. General Principles

1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The Act provides that conditions may be attached to licences, in a number of ways:

1. automatically, having been set out on the face of the Act ;
2. through regulations made by the Secretary of State
3. by the commission, to operating and personal licences; and
4. by the licensing authority, to premises licences and some permits; and
5. by the licensing authority, by excluding certain default conditions on a premises licence.

1.2 When determining an application, this Licensing Authority **aims to permit** the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's statement of principles.

1.3 **Definition of "premises":**

Premises is defined in the Act as "any place". A particular premises cannot be granted more than one premises licence under the Gambling Act at any one time. It is, possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

1.4 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should take particular care when considering applications for more than one premises licences for a single building, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people can not 'drift' into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised

by the premises licence.

1.5 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The Licensing Authority will consider whether

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises;
- the two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of statutory guidance).

In addition an overriding consideration for the Licensing Authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

1.6 Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.59 to 7.66). The Licensing Authority will consider:

1. if a future effective date on the licence is appropriate; or
2. the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

1.7 **Location:**

Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the possibility for the applicant

to show how any concerns can be overcome.

1.8 **Duplication with other regulatory regimes:**

The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety. *Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building law.*

1.9 **Licensing objectives:**

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

(2) Ensuring that gambling is conducted in a fair and open way:

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section 7 of this document), generally not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this is addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines).

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

The Gambling Commission does not provide a definition for the term “vulnerable persons” but states that “for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.”

The Licensing Authority will consider this licensing objective on a case by case basis.

1.10 **Conditions:**

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission’s codes of practice or this Licensing Authority’s Statement of Policy; or
- in a way that is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission’s Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above at 1.9;

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

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

- any condition on the Premises Licence which makes it impossible to comply with an Operator 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

The Licensing Authority will have due regard to these when considering the need for conditions.

1.11 The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one Premises Licence. In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence,
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in specific non-adult gambling premises in order to promote the licensing objectives.

1.12 The Licensing Authority must be satisfied that where category C or above machines are available in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations may apply to premises including buildings where more than one

Premises Licence is applicable.

- 1.13 Tracks (defined at 9.3) may be subject to one, or more than one, Premises Licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.14 In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:
- prevent premises from becoming a source of crime or disorder; or
 - protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises); or
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
 - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
 - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service disclosure or other means.

2. Reviews

- 2.1 An application for review of a premises licence may be made by:
- An interested party;
 - A responsible authority; and
 - the Licensing Authority, for :
 - a particular class of premises licence; or
 - in relation to a particular premises, and
 - It is for the Licensing Authority to determine whether the review is to be carried-out.
- 2.2 Any request for a review should relate to matters relevant to one or more of the following:
- any relevant code of practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the licensing objectives, and

- the Licensing Authority's statement of principles.

When considering any review request, or whether to instigate its own review, the Licensing Authority will have due regard to the guidance issued by the Gambling Commission and consider;

- each application on its merits;
- whether matters raised in the application are frivolous or vexatious;
- whether the application would certainly not cause the it to amend/suspend or revoke the licence; or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

Officers of the Authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

2.3 A review application must only be determined by a sub-committee, and not by an officer. The purpose of a review is to determine whether the Licensing Authority should take any action in relation to the licence. The Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. If action is justified, the options are to:

- add, remove or amend a licence condition imposed by the Licensing Authority;
- exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such and exclusion;
- suspend the premises licence for a period not exceeding 3 months; or
- revoke the premises licence.

3. Provisional Statements

3.1 An applicant may apply for a full premises licence where the premises are uncompleted or unaltered. However an applicant for a provisional statement does not need the right of occupation or an operator licence (granted or applied for) which are required in order to apply for a premises licence.

3.2 An application may be made to the Licensing Authority, under section 204 of the Act, for a provisional statement in respect of premises that the applicant expects to:

- be constructed;
- be altered;
- acquire a right to occupy.

An application may also be made for a provisional statement for premises already having a premises licence (either for a different type of gambling or the same type).

3.3 When considering an application for a provisional statement the Licensing Authority shall have due regard to the guidance issued by the Gambling Commission (in particular Part 11). Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence, including the rights of interested parties and responsible authorities to make representations and rights of appeal.

- 3.4 If representations about Premises Licence applications following the grant of a Provisional Statement are received, they may not be taken into account unless they concern matters which could not have been addressed when determining the Provisional Statement, or they reflect a material change in the circumstances of the application. The Licensing Authority must determine the Premises Licence, referring only to matters:
- (a) which could not have been raised by way of representations at the Provisional Statement stage; or
 - (b) which in the Licensing Authority's opinion reflect a change in the operator's circumstances.
 - (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. If there are substantial changes to the plan the Licensing Authority will discuss any concerns with the applicant before making a decision.
- 3.5 In accordance with section 210 of the Act (which applies to premises licences and provisional statements), the Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

4. Temporary Use Notices

- 4.1 Temporary Use Notices (TUNS) allow the use of premises for gambling where there is no Premises Licence but where a licensed gambling operator wishes to use the premises for providing facilities for equal chance gaming. The Gambling Commission Guidance suggests that premises that might be suitable for TUNS may include hotels, conference centres and sporting venues, and that equal chance gaming may include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker but may not be provided by means of machine.
- 4.2 There are a number of statutory limits that apply in respect of Temporary Use Notices, including that a TUN may only be granted to a person or company holding a relevant Operator Licence, in effect a non-remote Casino Operating licence, and limitations on the number of times a 'set of premises' can be used under these provisions.
- 4.3 A 'set of premises', as referred to by section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act and prevents one large premises from serving TUNS for different parts of the premises and exceeding the statutory limit of 21 days in any 12 month period.
- 4.4 The Licensing Authority will take into account Gambling Commission Guidance when considering whether a place falls within the definition of a 'set of premises'. This consideration may include looking at the ownership, occupation and control of the premises. The Gambling Commission Guidance advises that: "This is a new permission and Licensing Authorities should be ready to 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."

- 4.5 Where a notice of objection is received in respect of a Temporary Use Notice, the licensing authority will hold a hearing and consider representations from:
- the person who gave the notice
 - any person who objected to the notice; and
 - any party who was entitled to receive a copy of the Temporary Use Notice.

Where all parties agree that a hearing is unnecessary, the hearing may be dispensed with.

- 4.6 Where objections are made, a modification to the Temporary Use Notice may be proposed, which could include:
- a reduction in the number of days when gambling occurs;
 - a restriction on the type of gambling which may take place.

- 4.7 Where, following a hearing, or after a hearing has been dispensed with, the licensing authority considers that the temporary use notice should not have effect, it must issue a counter notice which may:
- prevent the temporary use notice from taking effect;
 - limit the activities that are permitted
 - limit the time period of the gambling
 - allow the activity to take place subject to a specified condition.

The principles which the licensing authority will apply in determining a temporary use notice are those which it will apply when determining a premises licence, as set out at part B, General principles, subject to its view as to whether it accords with a:

- commission code;
- the Guidance issued by the Gambling Commission;
- this licensing authority's statement of licensing policy; and
- is reasonably consistent with the licensing objectives

5. Occasional Use Notices

- 5.1 Occasional Use Notices (OUNS) permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is taking place is of a temporary, infrequent nature. The Occasional Use Notice dispenses with the need for a betting Premises Licence for the track in these circumstances.
- 5.2 The OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.
- 5.3 The Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority must consider the definition of a 'track'; see paragraph 9.1, which need not be a permanent fixture, and whether the applicant is eligible to serve the notice.

6. Casinos

- 6.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but retains the power to do so. Any change will be published on the Council's Website and the Statement of Policy in the intervening period.
- 6.2 Where a Licensing Authority area has the power to determine a Premises Licence application for a new style casino, it will do so following any regulations under Section 175 of the Gambling Act 2005 published by the Secretary of State.
- 6.3 The Act lays down a framework for a two-stage process for considering applications in circumstances where the number of applications exceeds the number of licences available, and this will be followed by the Licensing Authority.
- 6.4 **Licence considerations/conditions:**
The Licensing Authority shall have due regard to Gambling Commission guidance in relation to the suitability and layout of casino premises, and also the guidance issued by the Commission on primary gambling activity at casino premises.

Conditions may be attached to casino operator licences by the Gambling Commission to restrict the types of casino games that may be made available, or specifying rules for casino or equal chance games played in a casino. The Licensing Authority will make itself aware of any operating, mandatory and default conditions, codes of practice and Gambling Commission guidance when considering applications, and attachment of any conditions, for casino premises licences.

- 6.5 **Betting machines:**
Where betting is permitted in a casino, the Licensing Authority will normally, in accordance with Gambling Commission Guidance and when considering whether to impose a condition to restrict the number/nature/circumstances of betting machines (bet receipt terminals) made available in particular premises, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.

7. Bingo premises

- 7.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
 - only adults are admitted to the area where the machines are located

- 7.2 The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission’s guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8. Betting premises

- 8.1 **Betting machines:** The Licensing Authority will normally, in accordance with the Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines (bet receipt terminals) an operator wants to make available. Children and young persons will not be able to enter premises which hold a Betting Premises licence, unless the special rules applying to tracks are applicable.
- 8.2 The Licensing Authority shall have due regard to the Gambling Commission’s guidance in relation to the suitability and layout of betting premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.
- 8.3 Betting Machines (Bet receipt terminals) are not gaming machines under the Act, and do not accrue against the premises entitlement for gaming machines, unless the machine is designed or adapted for use to bet on **virtual** races (that is, images generated by computer to resemble races or other events) in which case it is considered a gaming machine. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

9. Track Premises Licences

- 9.1 Tracks are defined under the Act as “a horse race course, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place”

Examples of tracks include:

- A horse racecourse
- A greyhound track
- A point to point horse race meeting
- Football, cricket and rugby grounds
- An athletics stadium
- A golf course
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting a fishing competition
- A motor racing event

This list is not exhaustive, but gives an example of the types of venue which could

accommodate the provision of betting facilities.

9.2 There are three types of authorisation under which betting facilities may be made available at a sporting event:

- An occasional use notice (OUN)
- A temporary use notice (TUN) and
- A track premises licence.

Betting in relation to tracks may be provided either as on course, or off course betting. The different types of betting are explained in detail in the Guidance issued by the Gambling Commission.

9.3 A betting premises licence permits a premises to be used for the provision of facilities for betting, whether by:

- Making or accepting bets
- Acting as a betting intermediary; or
- Providing other facilities for the making or accepting of bets.

9.4 Track are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specific area of the track. This allows track venues to develop leisure facilities such as a casino and apply for a (casino) premises licence for that part of the track.

9.5 There is no special class of betting Premises Licence for a track, but the Act does contain rules which apply specifically to Premises Licences granted in respect of tracks.

9.6 Special rules apply to applicants for a Premises Licence in relation to a track. Most importantly the applicant need not hold an Operator licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence) the betting that is provided upon the track will not be provided by him, but will be provided by other operators who come on- course. Since those people will require the necessary Operator Licences, the Act allows the track operator to obtain a Premises Licence without also having to hold an Operator Licence. This track Premises Licence then authorises anyone upon the premises with a valid Operator Licence to offer betting facilities.

9.7 Track premises licences are distinguished from all other premises licences because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises.

9.8 Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling, and some general principles whereby licensing authorities can establish whether a track is fit for the provision of gambling facilities are as follows:-

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
The protection of children and other vulnerable persons from being harmed or exploited by gambling	Tracks permit access to children.	No - Children are allowed access to tracks on race days.
	Bet receipt terminals in areas where there is no supervision which would allow children or young persons to use machines undetected.	No - It is a mandatory condition of the operating licence that operators ensure that bet receipt terminals are supervised. This is not an issue for the premises licence.
	Children are allowed Access to areas holding category B and C gaming machines.	It is a mandatory condition of the operating licence that operators ensure that children are not allowed access to areas where category B and C gaming machines are provided. However, section 182 of the Act also creates a premises licence condition that children and young persons must be excluded from areas where any gaming machines other than category D are located.
	Betting areas adjacent to areas where children/young persons are present such as play areas	No - Children are allowed access to tracks on race days and so will be exposed to gambling areas. It is a mandatory condition of the operating licence that operators do not accept bets from children or young persons.
	Betting areas adjacent to areas where children/young persons are present such as play areas.	The Commission considers that the location of betting does not generally pose a risk to this licensing objective. Licensing authorities may impose their own local conditions where they perceive problems

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
Ensure gambling is conducted in a fair and open way	The rules of betting are not displayed on the premises.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that the rules of betting are displayed.
	Unlicensed betting operators are allowed to operate on tracks.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that licence holders make arrangements to ensure that they only allow licensed operators on track.
	Betting takes place out of approved hours.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that betting only takes place within the specified hours.
Prevent gambling from being a source of crime and disorder	Betting is allowed in all parts of a track resulting in greater difficulties for track premises licence holders to identify instances of illegal Betting.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.
	No formal exit/entry points allowing easy access for unapproved operators and customers.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.

The Licensing Authority will take any such guidance into consideration when determining an application for a track premises licence.

9.9 **Access to premises and other parts of the track:** Access between premises licensed for gambling and non-gambling areas is an important local licensing consideration, for reasons such as the following:

- to prevent operators from seeking to circumvent the Act by artificially subdividing a premises and securing separate premises licences for its composite parts
- to ensure that operators do not circumvent regulations governing the maximum number of gaming machines applicable to specific premises
- to ensure that people who have entered a premises for one type of gambling are not exposed to another, potentially harder, form of gambling
- to ensure that there is no direct access between gambling premises to which children have access and those which they are prohibited from entering

- to ensure that all gambling premises have publicly accessible entrances
- to ensure that gambling premises are not developed in the backrooms of other commercial premises.

9.10 **Access by children – special dispensation for tracks:** The Act forbids all persons under 18 years old to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. This dispensation does not, however, apply to:

- areas within a track where category C or above machines are provided; or
- other premises to which under 18 year olds are specifically not permitted access.

Licensed betting operators at tracks are bound by their operating licence conditions which prevent them from accepting bets from persons who are under 18 years old. The track premises licence holder is also required through premises licence conditions to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. The Licensing Authority will normally expect Premises Licence applicants to demonstrate suitable measures to ensure the children do not have access to adult only gambling facilities. Appropriate measures may include:

- Proof of Age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Self barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

9.11 **Betting on event and non-event days**

Hours of betting on event days: Premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days. The licensing authority will not generally expect to re-assess a licence application as a result of a change to the dates of sporting events, but would expect applicants and licence holders to make information about sporting fixtures available as part of the application.

Significant changes to the fixture/events listing have a bearing on the licence conditions in that track premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days.

9.12 **Hours of betting on non-event days:** On days when no public sporting event is taking place on a track, gambling facilities may only be provided on the track between the hours of 7am and 10pm. Where the premises user intends to continue to offer facilities for gambling outside the proposed gambling hours on non-event days, these facilities should be provided by virtue of an occasional use notice.

On non-event days, tracks become similar to licensed betting offices on the high street. Tracks may achieve this requirement by:

- locating all betting areas inside an area of the premises that is separated from the remainder of the premises by a physical barrier, thereby preventing access other than through a designated entrance
- only admitting adults to the part of the track where betting areas are located, by establishing procedures for verifying customer ages and refusing entry to adult-only areas for those unable to produce an acceptable form of identification (and taking action where there are unlawful attempts to enter adult-only areas)
- placing prominent notices in front of and inside each entrance stating that access to the area is prohibited to persons under 18.

The Licensing authority may consider to reducing the default gambling hours, providing any reduction is in line with the principles set out in section 153 of the Act.

9.13 **Self-Service Betting Terminals:** Licensed operators may install self-service betting terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their bet receipt terminals unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the licensing authority terminals.

9.14 **Gaming machines:** A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence.

Where a track owner holds both a track premises licence *and* a pool betting operating licence issued by the Commission (in effect, greyhound tracks only), they may site up to four gaming machines within categories B2 to D on the track.

Some tracks may also hold a premises licence under the Licensing Act 2003. As such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D.

In such scenarios the operating licence entitlement does not take precedence, and each licence has its own requirements that must be complied with.

Applications for permits to allow additional gaming machines are not permitted where the premises is already covered by a track premises licence.

It is a condition of section 282 of the Act that alcohol-licensed premises licence holders (not necessarily the owners) must comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine. The gaming machine permits code of practice can be found on the Commission's website.

Where track premises licence holders possess a pool betting operating licence, the Commission places a mandatory licence condition on such operators that they must:

- have and put into effect documented policies and procedures to prevent underage gambling
- monitor the effectiveness of these.

Track administration

9.15 **Administration of betting:** Administrative and quasi-regulatory arrangements in place to ensure that activities held on tracks run smoothly for paying customers, track operators and betting operators are considered to be outside the remit of the Act unless they affect the licensing objectives.

9.16 **The role of track premises licence holders:** The responsibilities of track premises licence holders are established by the mandatory and default licence conditions attaching to their premises licence.

The licensed betting operators authorised by track owners to provide betting facilities at tracks must comply with their operating licence conditions and codes of practice issued by the Commission.

Track premises licence holders have a responsibility to report regulatory breaches or potential breaches relating to the premises itself or to betting operators.

- 9.17 **Acceptance of bets:** Track premises licences for greyhound tracks and racecourses are subject to mandatory licence conditions requiring access to be offered at the track-side to betting operators generally. This prevents track premises licence holders who are also pool betting operators from becoming a monopoly supplier of betting on tracks.

While this does not mean that there must be independent betting operators on tracks on event days, track premises licence holders cannot hold event days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the Licensing Authority.

- 9.18 **Pool betting:** Under the Act, holders of track premises licences on licensed greyhound tracks are given exclusivity to offer pool betting facilities on greyhound racing. They may also authorise other people to conduct such pool betting on their behalf, although in all cases a relevant operating licence will be required to license this activity.

A totalisator on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place. A mandatory condition is attached to the premises licence to this effect.

- 9.19 **Admission of betting operators:** It is a mandatory premises licence condition of track premises licences that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences.

Track premises licence holders are responsible for determining their own arrangements for the verification of betting operators. As part of this process, the track premises licence holder should make arrangements for ensuring that the betting operator holds an operating licence. Additionally, both parties should agree a procedure for assessing that persons accepting bets on behalf of a betting operator either themselves hold operating licences in their own right, or are employed by the operator under a written contract of employment.

- 9.20 **Removal of illegal betting operators:** Track premises licence holders are required by a mandatory licence condition to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation. Failure to uphold this requirement could result in action being taken against the premises licence holder.

Track premises licence holders are not expected to have proactive policies and procedures for identifying illegal gambling other than the mandatory requirement to verify that betting operators offering betting facilities on their track hold suitable operating licences.

- 9.21 **Display of rules:** It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track

they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure that they are made available to the public, such as printing them in the race-card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one.

Betting operators offering betting facilities on racecourses and at greyhound tracks are required through the conditions of their operating licence to clearly display any of their own rules that differ from those that the track premises licence holder elects to display, and their rules concerning voids, late bets, and maximum pay-outs. For racecourses and greyhound tracks, the maximum pay-out will vary according to the rules of individual on-course operators.

9.22 **Approved betting areas:** In considering applications, the licensing authority will take into account the licensing objectives and assess whether these objectives are compromised by proposed betting arrangements. The location of betting areas (other than those for gaming machines and bet receipt terminals) is not considered a threat to the licensing objectives and therefore no additional conditions would normally be imposed by licensing authorities, unless the circumstances are such that the Licensing Authority considers that the licensing objectives would be undermined.

9.23 **Multiple licences:** The Act permits a Licensing Authority to issue more than one premises licence for a track provided that each licence relates to a distinct specified area of the track (although there cannot be more than one premises licence covering the same area of the track.) This enables track owners to extend existing facilities to provide other gambling facilities such as a casino on their existing tracks, whereby these additional gambling activities are covered by separate premises licences.

Where an application is made for an additional premises licence, the Licensing Authority will consider the following matters when determining an application:

- access issues in particular whether access to the desired premises will be allowed directly from the track. Direct access between a track and other betting premises (other than a track betting shop) is not permitted. The track owner would need to make arrangements so that access to a casino or bingo hall would be via a street, not via the track itself.

Where a particular area of a track is already subject to a premises licence, and a person wishes to apply for a licence to offer another type of activity in that area, an application must be made to the licensing authority to vary the original premises licence. The new track premises licence can only be granted at the same time as, or after, the original licence has been varied.

Where the Licensing authority receives an application indicating separate betting areas that may not necessarily have clear physical boundaries, such as walls or fencing, it may grant the licence where it is satisfied that the area is clearly delineated, both in terms of making it clear to the public that they are entering a 'betting office', and to keep out persons aged under 18.

Where the licensing authority is not satisfied that a new activity in an existing area is clearly delineated, it may consider refusing the application

- 9.24 **Social responsibility considerations for tracks:** The Act places a condition on the track premises licence that the licensee shall ensure that children and young persons are excluded from any area where facilities for betting are provided (unless on race days at racetracks and at greyhound tracks).

10. Adult Gaming Centres

- 10.1 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 require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

11. (Licensed) Family Entertainment Centres

- 11.1 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 require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 11.2 The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when discharging its functions in relation to licensed Family Entertainment Centres

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

PART C
PERMITS, TRAVELLING FAIRS AND SMALL SOCIETY LOTTERIES

1. Unlicensed Family Entertainment Centre (unlicensed FEC's) gaming machine permits

- 1.1 Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons. Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.
- 1.2 If the operator of a Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see section 11, Family Entertainment Centre).
- 1.3 Details of up to date application requirements, including any supporting documentation, are available via the Council website at www.eastsuffolk.gov.uk or from the Licensing Team direct.
- 1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 1.5 **Statement of Principles:**
The Licensing Authority will expect the applicant to satisfy it that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on issues such as:
- suspected truant school children on the premises;
 - how staff would deal with unsupervised very young children being on the premises;
 - children causing problems on or around the premises; and
 - maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 1.6 The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him will be considered by the Licensing Authority.
- 1.7 The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), the following documents will be accepted:
- basic Disclosure and Barring Service disclosure; or
 - a police subject access search.

2. Club Gaming Permits

- 2.1 Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club Gaming Permit which authorises the premises to:
- make available for use up to 3 gaming machines of categories B3A to D,
 - equal chance gaming (without restriction on the stakes and prizes); and
 - games of chance as prescribed by regulations (namely pontoon and chemin de fer).

The gaming which a club gaming permit allows is subject to the following conditions:

In respect of equal chance gaming:

- a. The club must not deduct money from sums staked or won;
- b. The participation fee must not exceed the amount prescribed in regulations;
- c. The game takes place on the premises and must not be linked with a game on another set of premises.

Two games are linked if:

- i. The result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- ii. The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- iii. Only club members and their genuine guests participate

In respect of other games of chance:

- a. the game must be pontoon and chemin de fer only
- b. no participation fee may be charged otherwise than in accordance with the regulations
- c. no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

2.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

2.3 The Licensing Authority may only refuse an application on the grounds that:

- a. the applicant does not fulfil the requirements for a members' club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b. the applicant's premises are used wholly or mainly by children and/or young persons;
- c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years; or
- e. an objection has been lodged by the Gambling Commission or the Suffolk Constabulary

Where the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Suffolk Constabulary, and the grounds upon which an Authority can refuse a permit are limited as below:

- the club is established primarily for gaming, other than gaming of a prescribed kind
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

2.4 There are statutory conditions concerning Club Gaming Permits

3. Club Machine Permits

3.1 Members Clubs and Miners' welfare institutes and commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.

3.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

Commercial clubs must have at least 25 members but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.

3.3 The Gambling Commission Guidance advises that Licensing Authorities may only refuse an application on the grounds that:

- a. the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b. the applicant's premises are used wholly or mainly by children and/or young persons;
- c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years; or
- e. an objection has been lodged by the Gambling Commission or the Police

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

3.4 There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003 (. As the Gambling Commission Guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:

- a. the club is established primarily for gaming, other than gaming of a prescribed kind;
- b. in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. a club machine permit issued to the applicant in the last ten years has been cancelled.

- 3.5 There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

4. (Alcohol) Licensed Premises Gaming Machine Permits

- 4.1 The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the Licence holder).

- 4.2 If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s)he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- “such matters” as it thinks relevant.

This Licensing Authority considers that “such matters” will be assessed on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition, to the automatic entitlement notification.

- 4.3 The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with Gambling Commission Codes of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;
- Notices and signage may also be an appropriate measure/safeguard;
- the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

4.4 The holder of a permit must comply with any relevant code of practice issued under section 24 of the Act by the Gambling Commission concerning the location and operation of the gaming machines.

4.5 It should be noted that the Licensing Authority can and may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

5. Prize Gaming and Prize Gaming Permits

5.1 Statement of principles:

The prize gaming conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit can not be made if a premises licence or club gaming permit is already in effect for the same premises.

The Licensing Authority will expect the applicant to satisfy the Authority that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 5.2 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection issues.
- 5.3 The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:
- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
 - the suitability of the location of the premises in relation to any disorder issues.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 5.4 It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

6. Travelling Fairs

- 6.1 It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 6.2 The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.
- 6.3 The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

7. Society Lotteries

7.1 The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance

a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity;
- for any other non commercial purpose other than private gain;
- and the proceeds of the lottery must be devoted to the purposes above.

The society must not be established for the sole purpose of facilitating lotteries.

The Council may only register a society which wishes to promote a small lottery where the society's principal office is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

7.2 A small lottery is defined in the Act and the current limits are published on the Gambling Commission website www.gamblingcommission.gov.uk. Definitions of exempt lotteries are also published at this address.

7.3 The Council will expect the society applying to register with it supply a copy of its terms conditions or constitution to enable it to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

7.4 Details of societies registered by the council will be published in a register maintained by the Council.

7.5 The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

7.7 The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused;
- the society cannot be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

7.8 The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.

**Gambling Act 2005 Statement of Licensing Principles
 Consultee list for East Suffolk Council**

All Town and Parish Councils in East Suffolk	Gamble Aware
All District Councillors in East Suffolk	Gamblers Anonymous
All premises in East Suffolk licensed under the Gambling Act 2005	Gambling Commission
All Responsible Authorities under the Gambling Act 2005	Gamcare
ADFAM Families Drugs and Alcohol	Gamestec Leisure Ltd
Age UK	Gordon Moody Association
Alcoholics Anonymous	Ladbrokes Plc
Association of British Bookmakers	Learning Disability Partnership Board SCC
BACTA	Mencap Suffolk
Betfred	Mind
Bingo Association	Narcotics Anonymous
British Association of Leisure Parks, Piers and Attractions Ltd	National Association of Bookmakers
British Horse Racing Authority	Responsibility in Gambling Trust
Casino Operators Association	Royal British Legion
Chilvers Automatics Ltd	Suffolk Safeguarding Adult's Board
Citizens Advice Bureau	Suffolk Safeguarding Children's Board
Corals	
Drink Aware	Samaritans
Essex Leisure	William Hill Organisation
Gala Bingo	

Appendix B

Section 353 of the Gambling Act 2005 gives some general interpretation and reference for some of the main terminology used within the Act and contained within this Statement of Principles document. Except where the context otherwise requires:

"adult" means an individual who is not a child or young person

"adult gaming centre" has the meaning given by section 237

"alcohol licence" has the meaning given by section 277

"authorised local authority officer" has the meaning given by section 304

"authorised person" has the meaning given by that section

"betting" has the meaning given by sections 9 to 11, 37 and 150

"betting intermediary" has the meaning given by section 13

"bingo" means any version of that game, irrespective of by what name it is described

"casino" has the meaning given by section 7

"casino game" has the meaning given by that section

"Category A gaming machine" (or B, C or D) means a gaming machine falling within Category A (or B, C or D) as prescribed under section 236

"chief constables of police forces" has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16)

"child" has the meaning given by section 45

"club gaming permit" has the meaning given by section 271

"club machine permit" has the meaning given by section 273

"commercial club" has the meaning given by section 267

"the Commission" means the Gambling Commission

"director" -

(a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and

(b) includes a shadow director within the meaning of that section

"dog track" means premises which are designed, used or adapted for use for dog-racing

"draw", in relation to a lottery, has the meaning given by section 255

"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time)

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament

"enforcement officer" means a person designated or appointed as an enforcement officer under section 303

"equal chance gaming" has the meaning given by section 8

"exempt lottery" has the meaning given by section 258

"external lottery manager" has the meaning given by section 257

"fair" has the meaning given by section 286

"family entertainment centre" has the meaning given by section 238

"family entertainment centre gaming machine permit" has the meaning given by section 247

"football pools" means an arrangement whereby -

(a) people compete for prizes by forecasting the results of association football games, and

(b) each entry to the competition must forecast the results of at least four games

"gambling" has the meaning given by section 3

"gambling software" has the meaning given by section 41

"game of chance" has the meaning given by section 6

"gaming" has the meaning given by that section

"gaming machine" has the meaning given by section 235

"horse-race course" means premises which are designed, used or adapted for use for horse-racing

"horse-race pool betting" has the meaning given by section 12

"large casino" has the meaning given by regulations under section 7(5)

"licensed family entertainment centre" has the meaning given by section 238

"licensed premises gaming machine permit" has the meaning given by section 283

"the licensing objectives" has the meaning given by section 1

"licensing authority" has the meaning given by section 2

"lottery" has the meaning given by section 14 (and section 256)

"lottery manager's operating licence" has the meaning given by section 98

"lottery ticket" has the meaning given by section 253

"machine" has the meaning given by section 235(3)(a)

"members' club" has the meaning given by section 266

"miners' welfare institute" has the meaning given by section 268

"the National Lottery" has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39)

"non-commercial betting" has the meaning given by section 302

"non-commercial gaming" has the meaning given by section 297

"non-commercial society" has the meaning given by section 19

"occasional use notice" means a notice given under section 39

"operating licence" means a licence issued under Part 5

"on-premises alcohol licence" has the meaning given by section 277

"participant", in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game

"participation fee" has the meaning given by section 344

"passenger vessel" means a vessel which is carrying or expected to carry at least one passenger

"personal licence" means a licence issued under Part 6

"pool betting" has the meaning given by section 12

"premises" includes any place and, in particular -

- (a) a vessel, and
- (b) a vehicle

"premises licence" means a licence issued under Part 8

"private betting" has the meaning given by section 295 and Part 2 of Schedule 15

"private gaming" has the meaning given by section 295 and Part 1 of Schedule 15

"private gain" is to be construed in accordance with section 19(3)

"prize" in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6

"prize" in relation to a gaming machine has the meaning given by section 239

"prize" in relation to a lottery has the meaning given by section 14

"prize gaming" has the meaning given by section 288

"prize gaming permit" has the meaning given by section 289

"proceeds", in relation to a lottery, has the meaning given by section 254

"profits", in relation to a lottery, has the meaning given by that section

"profits", in relation to non-commercial prize gaming, has the meaning given by section 299

"racecourse" means premises on any part of which a race takes place or is intended to take place

"real", in relation to a game, event or process means non-virtual

"relevant offence" has the meaning given by section 126 and Schedule 7

"remote communication" has the meaning given by section 4

"remote gambling" has the meaning given by that section

"remote gambling equipment" has the meaning given by section 36

"remote operating licence" has the meaning given by section 67

"rollover", in relation to a lottery, has the meaning given by section 256

"small casino" has the meaning given by regulations under section 7(5)

"society" includes a branch or section of a society

"stake" means an amount paid or risked in connection with gambling and which either -

- (a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or
- (b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making the stake participates

"supply" includes -

- (a) sale,
- (b) lease, and
- (c) placing on premises with permission or in accordance with a contract or other arrangement

"temporary use notice" has the meaning given by section 215

"track" means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place

"travelling fair" has the meaning given by section 286

"vehicle" includes -

- (a) a train,
- (b) an aircraft,
- (c) a seaplane, and
- (d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59))

"vessel" includes -

- (a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water
- (b) a hovercraft (within the meaning of the Hovercraft Act 1968), and
- (c) anything, or any part of any place, situated in or on water

"virtual" has the meaning given by subsection (3) below

"winnings", in relation to a bet, means anything won, whether in money or in money's worth

"young person" has the meaning given by section 45

Summary of machine provisions by premises								
Machine category:								
Premises type:	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, (except B3A machines) within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre					Maximum of 20% of total number of machines which are available for use on the premises categories B3 or B4		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 (with permit)								No limit on category D machines
Clubs or miners' welfare institute (with permit)					Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises								1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with gaming machine permit)							Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines	
	A	B1	B2	B3/B3A	B4	C	D	

Summary of gaming machine categories and entitlements.

Category of machine	Maximum stake (from April 2019)	Maximum prize (from April 2019)
A		Unlimited – No category A gaming machines are currently permitted
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	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 machines only)	20p	£20 (of which no more than £10 may be a money prize)

Authorised Gambling Activities

Children and Young Persons – A child is any person who is less than 16 years old.

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit

Young Persons – A young person is an individual who is 16 or 17 years old.

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit
- Prize gaming at a travelling fair
- Prize Gaming at a non-licensed family entertainment centre
- Private/non commercial gaming/betting
- Lottery
- Football Pool

Teresa Bailey

ES/0921

From: Natalie Simpson <Natalie.Simpson@gambleaware.org>
Sent: 02 August 2021 11:00
To: Licensing
Subject: Gambling Act consultation

Dear Teresa,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- . <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- . <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best wishes,
Natalie

Natalie Simpson
Company Secretary

GambleAware®

Pennine Place • 2a Charing Cross Rd • London • WC2H 0HF

Phone +44 (0) 20 7287 1994 – *note that we are currently remote working so please contact us by email*
 Email natalie.simpson@gambleaware.org

For information/advice and corporate info: BeGambleAware.org

For confidential support and treatment: National Gambling Helpline 0808 8020 133



LICENSING COMMITTEE
Monday, 18 October 2021

Subject	ISSUED LICENCES IN EAST SUFFOLK AND AN OVERVIEW OF THE WORK OF THE LICENSING SUB-COMMITTEES JULY - SEPTEMBER 2021
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides an overview of the current number and type of licences issued by East Suffolk Council. The report also summarises the applications received and the work of the Licensing Sub-Committees from July to September 2021.

Options:

Not applicable. This is an update report for noting.

Recommendation/s:

That the Committee:

- 1) Notes the overview of the work of the Licensing Team and the Licensing Sub-committees during the third quarter of 2021.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Not applicable. This is an update report for noting.

Environmental:

Not applicable. This is an update report for noting.

Equalities and Diversity:

Not applicable. This is an update report for noting.

Financial:

Not applicable. This is an update report for noting.

Human Resources:

Not applicable. This is an update report for noting.

ICT:

Not applicable. This is an update report for noting.

Legal: Not applicable. This is an update report for noting.	
Risk: Not applicable. This is an update report for noting.	
External Consultees:	Not applicable. This is an update report for noting.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>

T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
Not applicable. This is an update report for noting.			

Background and Justification for Recommendation

1 Background facts				
1.1	Applications determined during July - September 2021			
Premises and type of application	Address	Hearing / Mediated	Date of Hearing	Outcome and date of issue
Kerry's Mini Market NEW WPREM2566	120 St Peters Street, Lowestoft, NR32 1UD	Yes	12.5.21	Cons end 13.4.21 Granted at hearing, waiting for name. Issued 20.8.21
Saxmundham Local NEW PREM2220	6-8 Market Place, Saxmundham, IP17 1AG	Yes	28.6 12.7	Cons end 14.5.21 Amended 31.5.21 Hearing was adjourned until 12.7.21 Issued 15.7.21
YouDrink NEW WPREM2563	14 portsch Close, Carlton Colville, Lowestoft, NR33 8TY	Yes	5.7.21	Cons end 15.6.21 Granted. Issued 9.7.21
The Old Dairy NEW	111 Bridge Road, Oulton Broad, Lowestoft, NR33 9JU	None	N/A	Cons end 21.6.21. Need DPS details
Tiny Tipple (Mobbs way) SURRENDER WPREM2498	Unit 16 Mobbs Way Business Park, Mobbs	N/A	N/A	Surrendered 10.6.21

	Way, Lowestoft, NR32 3BE			Completed 9.7.21
Bigods Kitchen NEW WPREM2564	7 Castle Orchard, Bungay, NR35 1DD	No	N/A	Cons end 7.7.21 Issued 13.7.21
Snape Maltings Concert Hall & Britten-Pears Building VARIATION PREM0445	Snape, Saxmundham, IP17 1SP	No	N/A	Cons end 8.7.21 Issued 9.7.21
Victoria VARIATION PREM2166	The Street, Earl Soham, Woodbridge, IP13 7RL	No	N/A	Cons end 20.7.21 Issued 21.7.21
Suffolk Lunch NEW WPREM2565	Unit 1, 2-4 Cross Street, Bungay, NR35 1AU	No	N/A	Cons end 20.7.21 Issued 21.7.21
Easton Farm Park VARIATION PREM0074	Easton, Woodbridge, IP13 0EQ	No	N/A	Cons end 22.7.21 Issued 27.7.21
Bubble and Squid NEW PREM2221	110 High Street, Aldeburgh, IP15 5AB	No	N/A	Cons end 23.7.21 Issued 27.7.21
Bungay Community Centre NEW – No Alcohol WITHDRAWN	Old Grammar Lane, Bungay, NR35 1PU	Yes	N/A	Cons end 30.7.21 WITHDRAWN 30.7.21
Two Magpies Bakery NEW PREM2222	181-183 High Street, Aldeburgh, IP15 5AL	No	N/A	Cons end 17.8.21 Issued 19.8.21
Shish Restaurant & Meze Bar NEW WPREM2567	20 The Esplanade, Lowestoft, NR33 0QG	Yes	13.9 granted	Cons end 17.8.21 Issued 16.9.21
Kirkley Off Licence REVIEW WPREM2520	168 London Road South, Lowestoft, NR33 0BB	Yes	No as surrendered	Cons end 19.8.21 Surrendered 3.8.21
Hopsters NEW PREM2223	Beach Street, Micklegate Road, Felixstowe, IP11 2GN	No	N/A	Cons end 26.8.21 Issued 14.9.21

Kirkley Off Licence SURRENDER WPREM2520	168 London Road South, Lowestoft, NR33 0BB	N/A	N/A	Surrendered 3.8.21 Completed 31.8.21
Claremont Pier VARIATION WPREM2071	Wellington Esplanade, Lowestoft, NR33 0BS	No	N/A	Cons end 13.9.21 Issued 15.9.21
Skye Lounge NEW	55-57 Undercliff Road West, Felixstowe, IP11 2AD	Yes	5.10.21	Cons end 13.9.21 Waiting for hearing
The Alderton Swan NEW PREM2224	The Street, Alderton, IP12 3BL	No	N/A	Cons end 13.9.21 Issued 16.9.21
Castle Inn SURRENDED PREM0639	The Street, Bredfield, Woodbridge, IP13 6AX	N/A	N/A	Completed 27.9.21
Debach Airfield SURRENDED PREM2160	Grove Lane, Sandy Lane, Clopton, Woodbridge, IP136QS	N/A	N/A	Completed 23.9.21
Le Roc at the Harbour Café NEW WPREM2568	Blackshore, Southwold, IP18 6TA	No	N/A	Cons end 16.9.21 Issued 17.9.21
Bungay Community Centre NEW - Alcohol	Old Grammar Lane, Bungay, NR35 1PU	Yes	21.10	Cons end 30.9.21 Waiting for hearing
Co-op VARIATION WPREM2078	2 Market Place, Southwold, IP18 6EE			Cons end 1.10.21
Seckford Hills NEW	Seckford Road, Great Bealings, IP13 6NU			Cons end 8.10.21
Central VARIATION WPREM2534	Unit 8 18-32 Station Square, Lowestoft, NR32 1BA			Cons end 12.10.21
Next NEW	Unit 1-3 Beardmore Park, Martlesham Heath, IP5 3RX			Cons end 15.10.21
Crown Lounge NEW	10 Bevan Street East, Lowestoft, NR32 2AA			Cons end 18.10.21

Central England Co-operative SURRENDER WPREM2081	57 Westwood Avenue, Lowestoft, NR33 9RW	N/A	N/A	Surrendered 21.9.21 To be completed from 20.10.21
1.2	<p>Appeals to Magistrates Court</p> <p>An appeal has been submitted to Ipswich Magistrates Court following the decision of the Licensing Sub-Committee on the Hog Hotel, Lowestoft application to vary the premises licence.</p>			
1.3	<p>28 day consultation period has passed, and application is still to be determined</p> <p>There are currently two applications waiting to be considered by the Licensing Sub-committee:</p> <p>New Premises Licence for Skye Lounge, Felixstowe – the hearing is on 5 October 2021.</p> <p>New Premises Licence for Bungay Community Centre, Bungay – the hearing is on 21 October 2021.</p>			
1.4	<p>In consultation</p> <p>Variation of Premises Licence – Co-op, Southwold. Consultation period ends on 1 October 2021.</p> <p>New Premises Licence – Seckford Hills, Great Bealings. Consultation period end on 8 October 2021.</p> <p>Variation of Premises Licence – Central, Lowestoft. Consultation period ends on 12 October 2021.</p> <p>New Premises Licence – Next, Martlesham Heath. Consultation period end on 15 October 2021.</p> <p>New Premises Licence – Crown lounge, Lowestoft. Consultation period end on 18 October 2021.</p>			

1.5	<p>There have been 6 Sub-committee hearings regarding licensed or gambling premises during the period April to June 2021:</p> <p>05/07/2022 – YouDrink, Carlton Colville – new application</p> <p>06/07/2021 – Film classification</p> <p>12/07/2021 – Saxmundham Local (off-licence) – new application</p> <p>17/08/2021 – Review of Street Trading consent</p> <p>13/09/2021 – 20 The Esplanade – new application</p> <p>21/09/2021 – Film classification (and taxi driver)</p> <p>There has been 1 Sub-committee hearing regarding a review of a Street Trading consent on 17 August 2021.</p>
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2 Current position

2.1	<p>Licensing Act Premises</p> <p>On 1 July 2021 there were 1021 Premises Licences and 876 of these included alcohol on the licence.</p> <p>There were 65 Club Premises Licence.</p> <p>11 new Premises Licences were granted between 1 July and 30 September 2021.</p> <p>4 Premises Licences were surrendered.</p> <p>No Club Premises Certificates were surrendered.</p> <p>On the 30 September 2021 there were 1028 Premises Licences and 883 of these include alcohol on the licence.</p> <p>There were 65 Club Premises Licences.</p> <p>In summary, on 1 July 2021 there were 1021 Premises Licences and Club Premises Licences, and on 30 September 2021, there were 1028.</p>
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2.2	<p>Gambling Act Premises</p> <p>On 1 July 2021 there were 38 Gambling Premises licences in total.</p> <p>No applications for new, or variation to existing, premises licences were received during the third quarter.</p> <p>On 30 September 2021 there were 38 Gambling Premises Licences in total.</p> <p>There were 10 Bingo Premises Licences.</p> <p>There were 11 Adult Gaming Centre Premises Licences.</p> <p>There was 1 Family Entertainment Centre Premises Licence.</p> <p>There was 1 Betting Premises Licence (in respect of a track)</p> <p>There were 15 Betting Premises licences (in respect of a premises other than a track).</p>																																			
2.3	<p>Taxi and Private Hire Licences</p> <p>On 1 July 2021, East Suffolk Council licensed:</p> <p>101 hackney carriage vehicles and 197 hackney carriage/private drivers 295 private hire vehicles and 301 private hire drivers 79 private hire operators</p> <p>On 30 September 2021, there were:</p> <p>98 hackney carriage vehicles and 196 hackney carriage/private drivers 312 private hire vehicles and 307 private hire drivers 78 private hire operators</p> <p>Since the last Licensing Committee in July 2021, the taxi and private hire licence activity is as follows: July to September 2021</p> <table border="1" data-bbox="300 1532 1374 2047"> <thead> <tr> <th><u>Type of Licence</u></th> <th><u>Renewed</u></th> <th><u>Did not renew</u></th> <th><u>New</u></th> <th><u>Change of Veh</u></th> </tr> </thead> <tbody> <tr> <td>Private Hire Vehicle</td> <td>51</td> <td>10</td> <td>26</td> <td>15</td> </tr> <tr> <td>Hackney Carriage</td> <td>21</td> <td>3</td> <td>3</td> <td>7</td> </tr> <tr> <td>Private Hire Driver</td> <td>11</td> <td>18</td> <td>16</td> <td>n/a</td> </tr> <tr> <td>Hackney Carriage Driver</td> <td>15</td> <td>2 (1 refused)</td> <td>1</td> <td>n/a</td> </tr> <tr> <td>Private Hire Operator</td> <td>0</td> <td>1</td> <td>3</td> <td>n/a</td> </tr> <tr> <td>Rickshaws</td> <td>1</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table> <p>There are currently 18 new applications for drivers in progress.</p>	<u>Type of Licence</u>	<u>Renewed</u>	<u>Did not renew</u>	<u>New</u>	<u>Change of Veh</u>	Private Hire Vehicle	51	10	26	15	Hackney Carriage	21	3	3	7	Private Hire Driver	11	18	16	n/a	Hackney Carriage Driver	15	2 (1 refused)	1	n/a	Private Hire Operator	0	1	3	n/a	Rickshaws	1	0	0	0
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2.4	<p>There has been 3 Sub-Committee hearing regarding a taxi/private hire licence during the period July to September 2021:</p> <p>16/08/2021 – Hackney Carriage/Private Hire Driver</p> <p>21/09/2021 – Hackney Carriage/Private Hire Driver</p> <p>27/09/2021 – Private Hire Driver</p>
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3 How to address current situation	
3.1	Not applicable. This is an update report for noting.

4 Reason/s for recommendation	
4.1	To keep Licensing Committee members updated as to the work of the Licensing Sub-Committee and Licensing Services.

Appendices

Appendices:	

Background reference papers:		
Date	Type	Available From