

Licensing and Appeals Committee



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4 July 2018

A meeting of the **Licensing and Appeals Committee** of North Norfolk District Council will be held in the **Council Chamber, Council Offices, Holt Road, Cromer** on **Monday 16 July 2018 at 10.00 a.m.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours.

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516010, Email: democraticservices@north-norfolk.gov.uk

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Dr P Bütikofer, Mrs A Claussen-Reynolds, Mrs P Grove-Jones, Mr S Hester, Mr M Knowles, Mrs M Millership, Mr P Moore, Mr N Pearce, Mr J Rest, Mr R Reynolds, Mr P Rice, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public.



**If you have any special requirements in order to attend this meeting,
please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format
or in a different language please contact us

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

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To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 15 May 2018 and also the minutes of a meeting of the Licensing Sub-Committee held on 2 May 2018 and 13 June 2018.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

6. REVIEW OF GAMBLING POLICY 2018-19

Page 21
(Appendix 1 – page 24)

Summary: To present draft revisions to the Council's Statement of Principles under the Gambling Act 2005.

Conclusions: To note and make any comments on the draft Gambling Policy which is approved formally by Full Council.

Recommendations: That the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and then published in accordance with legislative requirements.

Cabinet Member(s) Councillor Hilary Cox – Portfolio Holder Councillor Simon Hester Chairman of the Licensing Committee	Ward(s) affected - All
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Contact Officer, telephone number and email:

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7. UPDATE ON GENERAL LICENSING ISSUES

To give an oral update on licensing issues.

8. UPDATE ON TASK & FINISH GROUPS

To give an oral update on task and finish groups.

9. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act.”

10. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 15 May 2018 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Mrs A Claussen-Reynolds	Mr J Rest
Mr S Hester (Chairman)	Mr R Reynolds
Mr M Knowles	Mr R Shepherd
Mrs M Millership	Mr B Smith
Mr N Pearce	

Officers in attendance:

Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 APOLOGIES FOR ABSENCE

Dr P Bütikofer, Mrs P Grove-Jones, Mr P Moore and Mr S Shaw sent apologies.

2 PUBLIC QUESTIONS

None received.

3 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 5 March 2018 and Licensing and Appeals Sub-Committees held on 7 March and 9 April 2018 were approved as correct records and signed by the Chairman.

4 ITEMS OF URGENT BUSINESS

None.

5 DECLARATIONS OF INTEREST

None.

6 HACKNEY CARRIAGE FARE CHANGE

The Public Protection Manager presented a report which recommended changes to Hackney Carriage fares in response to a request by the taxi trade for a review. Consultation had been carried out with the trade and it was recommended that the revised fare structure in Appendix B to the report be agreed. The fare table would then be published in a local newspaper and if no objections were received, the revised fares would take effect on 1 July 2018.

Councillor R Reynolds considered that the changes were sensible. However, he noted that the fares were last revised in 2013 and considered that they should be reviewed annually.

The Public Protection Manager agreed that it would be fair to review the fares annually.

Councillor R Shepherd considered that the fare increases were reasonable considering that there was little community transport and taxis were a lifeline for elderly people.

Councillor Mrs A Claussen-Reynolds referred to an inconsistency between the table in Appendix A on page 17 of the report and Appendix B. The Public Protection Manager confirmed that the table in Appendix B was correct.

RESOLVED

That the proposed fare changes set out in Appendix B to the Officer's report be agreed.

7. NEW ANIMAL WELFARE REGULATIONS – LICENSING

The Public Protection Manager presented a report which updated Members on the Draft Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 and outlined the key differences from the existing regime. The legislation was due to be introduced in October 2018 but the exact date and implementation process were not yet known. The regulations were currently in draft and could be subject to change although any amendments were not likely to be significant.

The Public Protection Manager outlined the main features of the draft Regulations and key changes from the existing legislation. Officers who would be dealing with licensing under the Regulations would be required to undertake training.

Councillor R Reynolds requested clarification as to whether anyone who bred one litter per year would require a licence.

The Public Protection Manager stated that she would need to refer to the specifics of the legislation but understood that a pet owner could breed and sell a litter, but a business which bred litters more regularly would fall under the legislation. She would provide clarification on this point.

Councillor Mrs A Claussen-Reynolds asked if the prohibition of the sale of puppies below eight weeks of age applied to anyone or only those who bred three or more litters per year.

The Public Protection Manager explained that the eight week restriction would apply to commercial breeders only. However, she would check whether a general age restriction was covered elsewhere in the legislation.

In response to a question by Councillor J Rest, the Public Protection Manager explained that all licences currently ran from January to December but the new legislation would provide for applications to be made throughout the year, which would be easier to administer. Licences would generally last for one year but it might be possible to grant longer licences if the new legislation allowed risk rating.

Councillor J Rest asked if licences could be transferred if a business changed hands. The Public Protection Manager stated that current licences were not transferable but she would confirm whether or not the new legislation allowed transfers.

Councillor R Shepherd asked whether the Council had an inspection policy or only undertook inspections in response to complaints, and if advance notice was given of inspections.

The Public Protection Manager explained that premises were inspected annually where possible. The new legislation allowed for a risk rated approach with low-risk establishments being inspected less frequently. Inspections could take place at any reasonable time with no prior notice although 24 hours' notice had to be given to inspect domestic premises. These requirements were not likely to change with the new legislation.

Councillor Mrs H Cox considered that it would be helpful for all Members to have relevant information to help avoid problems. It was important to give animals as much protection as possible as they did not have a voice.

The Chairman considered that anyone who bred dogs should be registered and asked if this could be investigated.

Councillor Mrs M Millership asked if there was a limit on the number of breeding bitches that could be kept.

The Public Protection Manager stated that the maximum number of bitches was not set out in the legislation, but it was necessary to meet all the requirements, eg. in terms of suitability of premises and staffing.

In answer to a question by the Chairman, the Public Protection Manager explained that inspections were normally carried out by one Inspector, but if it was known that there could be a problem the Inspector would be accompanied by another member of staff or by the Police.

Councillor R Reynolds supported the Councillor Cox's comments and considered that there should be much closer control.

The Committee noted the report.

24. UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager updated the Committee on the following matter:

Gambling Policy

The review of the Gambling Policy would go out to consultation shortly, following which a report would be brought to the Committee.

25. UPDATE ON TASK AND FINISH GROUPS

None

The meeting closed at 10.26 am.

Chairman

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 2 May 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mr P Moore (Chairman)
Mrs P Grove-Jones
Mrs M Millership

Officers in Attendance: Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

Senior Environmental Protection Officer for Minute 8

1 APOLOGIES

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/180006081)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk and his DBS check had revealed that he had previous convictions. She drew the Sub-Committee's attention to section 8 of the application form where the applicant had ticked "no" to all questions regarding convictions. She outlined the options for determining this application.

At the request of the Chairman, the Public Protection Manager explained that convictions were not considered spent when applying for a taxi licence. This

was explained on the application form and applicants were also advised at their initial interview that any previous offences would be revealed on the DBS check.

The applicant stated that he had not tried to deceive anyone. He did not think he had a criminal record or that the convictions would have an impact on his application for a taxi licence. He explained the circumstances of the convictions.

The Chairman invited the applicant to present his case.

The applicant said he did not know what to say, but expressed his dissatisfaction with the length of time it had taken to deal with his application and the way it had been handled. He had written to his MP about this matter.

The Public Protection Manager stated that the application had been received in March and this was the earliest possible hearing. The process was made clear in the Taxi Handbook. She confirmed that she had received correspondence from Norman Lamb MP on this matter and had sent a response explaining the process and that Officers did not have delegated authority to issue a licence in this case. She had not circulated the correspondence to the Sub-Committee as it was outside the scope of the grant of a licence.

The Chairman requested a copy of the correspondence and called a short adjournment for the correspondence to be copied and read by the Panel. A copy was also supplied to the applicant.

On resuming the meeting, the Chairman invited the applicant to comment further.

The applicant explained in detail what had happened during the application process. He could not work at the moment pending the outcome of the application.

Councillor Mrs P Grove-Jones asked the applicant about his previous employment.

In responding, the applicant mentioned a medical matter which had not been declared on the medical form. He explained this at the request of the Public Protection Manager and stated that he was fully recovered.

There were no further questions.

The applicant did not wish to make a closing statement.

The Sub-Committee retired at 10.10 am and returned at 10.40 am.

RESOLVED

That the licence be granted.

6 Application for a Vehicle Licence where the vehicle is over ten years of age (WK/180007999)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The applicant had made an application out of time for the renewal of a licence for a vehicle over 10 years old. Vehicles over ten years of age did not meet the prerequisites of the North Norfolk Hackney Carriage and Private Hire Policy and Handbook and the application had been refused. The applicant had challenged this decision and requested that the Sub-Committee consider the application. A letter of support had been received from the National Private Hire and Taxi Association and the applicant had supplied an independent vehicle report and details of a passenger transport contract with Norfolk County Council, all of which had been circulated by email and copies made available at the hearing.

In answer to questions from the Sub-Committee, the Public Protection Manager confirmed that the law did not specify a maximum vehicle age. However, the Authority had determined that vehicles should not be more than 10 years old at first registration. There was no limit as to vehicle mileage.

The Chairman invited the Applicant to present his case.

The Applicant explained that he had to get some work done on the car and his nearest taxi test station was unable to carry out the required test until the day of the renewal deadline due to a backlog of work caused by snow. Following the test, due to work commitments he was unable to get to the Council to make his application until the following morning. The Council received test results direct from the testing station so he did not think there would be a problem. He had been amazed to be told the car had to be taken off the road. He considered that the application was a renewal and not a new application as the Council was aware that the car had passed its test. He accepted that there had to be a cut-off point in terms of vehicle age, but the car was immaculate, with low mileage and only used for a specific contract.

The Applicant referred to communications he had had with staff at the Authority regarding this matter. He apologised that he could not submit the paperwork any earlier.

The Sub-Committee and Officers questioned the Applicant.

The Public Protection Manager asked why the applicant had not advised the Authority on the expiry date that the inspection paperwork was coming.

The Applicant stated that he did not think there was any need as the testing station had sent an email.

Councillor P Moore asked why the Applicant had not contacted the Authority for advice when he was having difficulty getting a test date.

The Applicant explained that he had been too involved in managing his business and accepted that he should have contacted the Licensing Team.

Councillor Mrs M Millership asked why the Applicant had not used a different testing station.

The Applicant explained that he always used the same testing station as it was convenient. He was aware of other testing stations but did not know if they were as busy.

Councillor Mrs M Millership commented that there had been other instances when the Applicant had submitted applications close to the expiry date.

In answer to a question by Councillor Mrs P Grove-Jones, the Public Protection Manager confirmed that the application related to a vehicle licence for one year.

In summing up, the Public Protection Manager stated that the Sub-Committee had heard additional information and an explanation from the applicant. She reminded the Sub-Committee that it could depart from policy if there was sufficient reason to do so, and its options for determining the application.

The Applicant was invited to make his closing statement. The Applicant stated that he would like to have the car working again and sought compassion from the Council. He commented that this issue was about paper and not people and their livelihoods. His business was large enough to carry on but he was concerned at the impact it would have had on a sole trader. He apologised again for lateness but had put forward his reasons.

The Legal Advisor informed the Applicant that the letter of support put forward by the National Private Hire and Taxi Association would be taken into account by the Sub-Committee when making its determination.

The Sub-Committee retired at 12.22 pm and returned at 1.07 pm.

RESOLVED

That the licence be granted.

7 Application for a new Premises Licence - The Old Park and East Raynham Hall, Raynham Hall, Swaffham Road, East Raynham, Norfolk, NR21 7EP

Present:

Tony Grover (representing the Applicant)
Tom Raynham (Applicant)
Vik Konash (Dunton Parish Meeting)
Steve Blazer (Dunton Parish Meeting)
Chris Brooks (Licensing Officer – Norfolk Constabulary)
Chris Curtis (resident of Helhoughton)
James Hickman (resident of West Raynham)
Cllr Becky Palmer (local Member)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The Applicant had applied for a new Premises Licence which would permit public access to a variety of country fairs and entertainment-based festivals. The Applicant had subsequently submitted amended conditions which had been circulated to all interested parties. An email had been received from Environmental Protection regarding the updated conditions and recommending the deletion of standard condition PN01 and adjustment to PN02. Norfolk Constabulary had withdrawn its comments in the light of the event management plan to be submitted by the Applicant.

The Public Protection Manager circulated a map indicating the location of residents who had made representations.

The Public Protection Manager also circulated details of the current valid premises licence for the Walled Garden at Raynham Hall and stated that this could affect the Sub-Committee's view of what was appropriate to licence. She stated that the applicant was prepared to review the licensed area and remove from the current application the area which already had the benefit of a licence.

The Senior Environmental Protection Officer stated that following recent discussions with the applicant, the Environmental Protection Team remained concerned at potential noise nuisance. The existing licence for the walled garden already allowed six events and she requested a condition to restrict the number of events to no more than six over the existing and proposed licensed areas. She also requested the exact siting of music events to be specified and suggested the centre of the site furthest away from local residents and a condition to prevent outdoor music after 10 pm.

The Public Protection Manager stated that the Government guidance quoted in the report had now been updated (April 2018) but this had not affected anything in the report.

The Public Protection Manager explained that there were a number of pieces of legislation outside the scope of licensing which would allow the Authority to deal with any issues which could arise.

The Chairman invited Mr Grover to present the case on behalf of the Applicant.

Mr Grover explained application, which he stated was in line with licences for similar venues. An amended plan was circulated showing the area of the walled garden which was to be deleted from the application. He stated that the reason for the application was to allow flexibility, save the time and expense of applying for Temporary Event Notices, and to allow diversification of the farm business. He indicated the type of events which could take place.

Mr Grover stated that his client had met with local residents to explain the application and had attempted to reassure them. His client recognised the responsibility that went with being granted a premises licence.

Mr Grover stated that events would be subject to event management plans (EMPs). He explained the purpose of EMPs, the type of issues they covered and the level of scrutiny that EMPs were subjected to by Safety Advisory Group (SAG). This would ensure that events were run as carefully as possible to prevent disturbance.

Mr Grover explained that a broad permission was requested to cover any eventuality and it was almost impossible to be specific in the application. He stated that the request for permission to sell alcohol was in line with most licences granted by NNDC.

Mr Grover referred to the amended conditions which had been submitted on behalf of the Applicant following the meeting with residents and taking into account their concerns. He clarified that music festivals would entail one or more genres of music over a number of days which would continue beyond midnight. However, these would not be on the same scale as Glastonbury.

Mr Grover referred to the representations by the Environmental Protection Team. The deletion of condition PN01 and amendment to PN02 had been agreed. However, his client had requested that the existing licence for the walled garden remain as previously granted to allow flexibility. He also considered that staging all music events in the centre of the site would not allow flexibility to use the whole of the licensed area, and that some events could be suitable for other parts of the site.

Lord Raynham explained his intention that siting would be relative to the type and nature of events. Some events would have less impact than others, e.g. opera over the lake. It was difficult to demonstrate the broad nature of events within the application but they would not all be music festivals.

Mr Grover highlighted that the Police had withdrawn their concerns on the basis of the EMP heads of terms. He stated that an EMP was the primary means of control for events. It would deal with concerns which had been raised with regard to disturbance, traffic etc and would require monitoring of the event and compliance with all conditions.

Mr Grover responded to issues which had been raised by the objectors in their correspondence and outlined measures to deal with many of the concerns.

The Applicant and his Representative answered questions.

The Public Protection Manager asked if additional car parking would be provided above that already included in the licence for the walled garden.

Lord Raynham explained that the location of the parking would depend on the event, but for the majority of events traffic would come directly off the A1065 so it would not impact on local roads. The existing access off the A1065 would be improved and laying the majority of the licensed area down to grass would provide more locations for parking within the site.

In response to a question by the Public Protection Manager regarding a contact for local residents if problems occurred during an event, Lord Raynham stated that the point of contact was likely to be himself or the event organiser.

With regard to the siting of the events, Lord Raynham confirmed that he was happy to have discussions with Environmental Health provided it was understood that there would be a preference for specific locations for certain types of music concerts. It was not his intention to cause nuisance to anyone and he was not planning to organise noisy music events next to the village.

Mr Konash referred to the difficulties which were currently experienced with the A1065, particularly during the summer, and expressed concerns as to how traffic could be managed and the impact of additional traffic on local residents.

Mr Grover stated that he was aware of the concerns regarding holiday traffic and considered that blockages were minimal unless a vehicle broke down. Traffic was slower but continued to move. He considered that a good management plan and regular patrols would ensure that problems were minimised.

Lord Raynham stated that guidance would be sought from the relevant authorities. Vehicles leaving the site would be phased. He was aware of recent issues at another venue and gave assurance that there would not be two events on one day. He was aware of the nature of the road and would ensure that there would be minimal impact on people's lives.

Councillor Mrs P Grove-Jones stated that the music festival element was causing the most concern to people and a 2-4 day festival could be an annoying noise inconvenience. However, this had been taken into account in the EMP. She commented that such events could cause major damage to the land and result in only one event being held.

Lord Raynham stated that the application was for a premises licence which covered everything, but music festivals would be limited to a maximum of two per year. This did not necessarily mean that two festivals would be held but he was requesting the opportunity to do so. The condition of the ground would be a natural limiting factor and applying for a large area would mean that events could be held in different locations which were unaffected by previous events.

Lord Raynham confirmed that he was not against limiting the location of music events but would like the opportunity to use different settings for some events, in discussion with Environmental Health.

Councillor Mrs M Millership asked if the Applicant would hold events in the walled garden and the wider site at the same time.

Lord Raynham stated that this would be subject to discussions with SAG and Environmental Health. Raynham Events did not organise all events and he was trying to encourage other organisers to bring their events to the site. Some events, eg. village fete and pop up restaurant could possibly be run at the same time.

In response to a question by Councillor Mrs M Millership regarding the type of camping that could take place, Lord Raynham stated that he was considering organising camping elsewhere on the estate but all types of accommodation would be considered and it would be event specific.

The Chairman requested clarification of the access points on the map supplied.

Lord Raynham explained that vehicular access would come directly off the A1065 into the Old Park and the majority of parking would be in the fields directly adjacent to the road. Any checks would be done once vehicles were parked.

The Chairman invited the objectors to make their representations.

Mr Konash reported that the local consensus was that the need for a broad application was understood, but it was considered to be too broad and did not allow for any representations to be made regarding specific events. There was concern as to how events could be policed adequately during the night. The site was located in an area of low noise pollution and therefore noise which was acceptable in Environmental Health terms would be obtrusive and a nuisance to the local population. The topography of the area enabled noise to travel a long way and affect a large number of people. He raised concerns regarding noise from people attending festivals, equipment and the impact of noise on local businesses eg. holiday lets. He considered that lighting would impact on the dark sky area. He expressed concern at traffic nuisance and overloading of the A1065, which was a feeder route and used by emergency vehicles. Local people were concerned that 24-hour music events would lead to additional crime and disorder and at the ability of Norfolk Constabulary to police issues which took place beyond the site.

Mr Konash stated that he was speaking on behalf of local Parishes and had also been asked to speak on behalf of people who had made representations and those who had not had the opportunity to comment. Additional information which had been supplied by the applicant had addressed some of the points regarding consultation, but there was still no opportunity to have a say as to how people would be affected by specific events. He considered that a separate licence for each event would be preferable so that local people could express their views.

Mr Hickman stated that the area to the west of the lake was very close to West Raynham village and music in that area would be disturbing to local residents. He requested that the sensitivity of that area be taken into account.

Councillor Mrs P Grove-Jones asked if the Police had any concerns regarding drugs or crime at festival events and whether or not there would be a Police presence during such events.

Mr Brooks confirmed that the police had responsibility for these matters. The Police would work with event organisers to address problems. Security arrangements would be provided through event security, the designated premises supervisor and SAG.

The Public Protection Manager summarised the main points of this case and drew attention to the guidance in the report. She stated that licences could be subject to review in the event of issues arising. She outlined the options for determination of the application.

Mr Grover made a closing statement, explaining that events would be run responsibly and respectfully in terms of the local community and environment to minimise any issues. Stringent conditions had been offered to ensure that events were properly run and the risk of not doing so was understood. He drew attention to the guidance in the Licensing Act regarding determination of this application. Flexibility was required to provide many types of events. He stated that the Police no longer policed events but there would be sufficient security and procedures in place to deal with any incidents of crime which occurred. It was not proven that crime rates increased in the vicinity of festivals and any crime was most likely to be on the festival site itself. Stringent search procedures would be put in place, including a drugs dog. No evidence had been produced by the objectors to demonstrate that their lives would be affected and there was an opportunity at a later date to revoke or amend the licence if problems occurred.

Lord Raynham stated that the licence would give him an opportunity to diversify his business. It was not a festival licence, but a premises licence which would cover all types of events. He understood the concerns regarding music and the 24 hour nature of the licence. However, the intention was not to run the music festival for 24 hours but to give flexibility to allow food to be served over the 24 hour period. He addressed the concerns which had been raised regarding noise, light pollution, accommodation of festivalgoers and traffic and gave assurances that he would abide by all conditions of the licence and work with the authorities and Safety Advisory Group to ensure that problems did not occur. He did not wish to compromise his business and would do everything he could to ensure the licence was upheld.

Mr Konash made his closing statement. He stated that the general view was that there was no real objection to Lord Raynham trying to improve and diversify his business. However, the objection was to the granting of a broad spectrum licence for 24 hour events. These would be music events which would create the greatest nuisance to people who had made representations. Potential 24 hour events, regardless of how many took place, would be a nuisance to people living miles away. It would be preferable for applications for 24 hour licences to be made individually.

There being no further statements, the Sub-Committee adjourned at 3.35 pm. Due to the lateness of the hour, the decision was given in writing.

RESOLVED

That the licence be granted, subject to mandatory and imposed conditions and to the following additional conditions which the Sub-Committee considered to be appropriate and proportionate to promote the licensing objectives of the prevention of public nuisance:

Condition 1

Events planned to extend beyond midnight on any day will only take place between March and November and be limited to a maximum of 6 such events each year. With regard to such events, a minimum period of 4 weeks must elapse between the end of any one event and the beginning of another.

The reason for this condition is to limit the effect of noise disturbance to other members of the public throughout the year.

Condition 2

Events commonly referred to as "Music Festivals" will be limited to a maximum of 2 such events per calendar year.

The reason for this condition is to limit the effect of noise disturbance to other members of the public throughout the year.

Condition 3

The Licence Holder will plan for each event to be held within the licensed area by formulating an Event Management Plan (EMP). For events permitted to be organised and staged by guest promoters there will be a requirement that they produce an EMP which will include site specific requirements supplied to them by the Licence Holder and will be approved by the Licence Holder prior to the event taking place. Every EMP produced for an event will cover all aspects of the provision of entertainment and alcohol, including noise and traffic management issues and the health and safety and security of structures and persons attending. The content of the plan should also address all the concerns of the current Licensing Act in order to promote its Licensing Objectives. The EMP will be available for inspection if required. The Licence Holder (or representative) will undertake to attend Safety Advisory Group (SAG) meetings if required.

The reason for this condition is to limit the effect of noise disturbance, health and safety risks and traffic congestion issues associated with events to other members of the public throughout the year.

Condition 4

For events planned to cater for numbers in excess of 500 a minimum of 4 weeks' notice prior to the event taking place will be given to the North Norfolk District Council Licensing Authority & Environmental Health Teams and the Police. This notification will be accompanied by an event specific Event Management Plan (EMP) for onwards forwarding to the Safety Advisory Group (SAG) for their information and approval. Where agreed, recommendations made by the SAG concerning an EMP will be incorporated into the EMP. The Licence Holder (or representative) will undertake to attend SAG meetings if required.

The reason for this condition is to allow input from responsible authorities in respect of larger events.

Condition 5

Similarly, as in Condition 4, for events planned to cater for numbers in excess of 500 a minimum of 4 weeks' notice prior to an event taking place will be given to the local Parish Councils which have boundaries situated within 5 kilometres of the licensed area. For these notifications there will not be the requirement to submit a copy of the EMP with the notification.

The reason for this condition is to ensure channels of communication between the licence holder and the local community are kept open and that members of the public are sufficiently informed of upcoming events.

Condition 6

Controls must be implemented to minimise the risk of noise nuisance for all events that include the provision of live and/or amplified music irrespective of the time of day or numbers attending.

The reason for this condition is to limit the effect of noise disturbance to other members of the public throughout the year.

Condition 7

Where an event which hosts more than 500 people takes place on the premise to which this licence pertains, an event shall not be allowed to take place on the adjoining land which is covered under the licence named as the Walled Garden.

The reason for this condition is to limit the effect of noise disturbance and traffic congestion to other members of the public throughout the year.

Chairman

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 13 June 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mr S Hester (Chairman)
Mr N Pearce
Mr B Smith

Officers in Attendance: Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 APOLOGIES

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/180007181)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk and his DBS check had revealed that he had previous convictions.

The Chairman invited the applicant to present his case.

The Applicant stated that he had relocated to the area. He gave details of his previous and current employment and driving experience. He currently held a Security Industry Authority badge. He had applied for a taxi licence as he had been offered a job with a local taxi firm. He explained that his offences had

occurred many years ago when he was young, and in a group situation where the whole group had got the blame. He had been silly, but had been of good character ever since.

The applicant answered Members' questions regarding his application, driving style, people skills and how he would handle difficult situations.

There were no further questions.

The applicant did not wish to make a closing statement.

The Legal Advisor advised the Sub-Committee Members that they must be satisfied that the Applicant was a fit and proper person to hold a taxi licence in the District. She advised the Sub-Committee to consider the type, seriousness and relevance of previous convictions, how long ago they occurred and the Applicant's comments. She stated that the penalties for the offences had been relatively small.

The Sub-Committee retired at 10.20 am and returned at 10.27 am.

RESOLVED

That the licence be granted.

6 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/180008380)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The Applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk and his DBS check had revealed matters that required consideration. She explained that the Applicant had received a warning and a caution for his offences but had not been convicted, and therefore had correctly answered "no" to question 8.1 on the application form regarding previous convictions. She also drew attention to Medical Certificate which confirmed the Applicant's fitness to drive.

The Chairman invited the applicant to present his case.

The Applicant explained that he had applied for a taxi licence as he had been given an opportunity to help expand the family business and to allow him to save for a deposit on a house.

In response to questions by Councillor B Smith, the Applicant explained the circumstances which led to his warning and caution and responded to questions by the Panel. He explained that he had since settled down with his girlfriend and regretted the incidents.

The Chairman stated that the Panel could only take the Applicant's explanation at face value. He acknowledged that the Applicant had had a difficult time, which would be taken into consideration when determining the application. The safety of the public was the Panel's main concern. He noted the excellent references which had been supplied.

The Applicant answered questions regarding his medical report and how he would handle stressful situations while driving.

There were no further questions.

The applicant did not wish to make a closing statement.

The Sub-Committee retired at 10.48 am and returned at 11.07 am.

RESOLVED

That the licence be granted.

The meeting closed at 11.09 am

Chairman

REVIEW OF GAMBLING POLICY 2018-19

Summary: To present draft revisions to the Council’s Statement of Principles under the Gambling Act 2005.

Conclusions: To note and make any comments on the draft Gambling Policy which is approved formally by Full Council.

Recommendations: That the proposed revisions to the Council’s Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and then published in accordance with legislative requirements.

Cabinet Member(s) Councillor Hilary Cox – Portfolio Holder Councillor Simon Hester Chairman of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Gemma Faircloth 01263 516139 gemma.faircloth@north-norfolk.gov.uk	

1. Background

- 1.1 A major regulatory regime under which the Council has statutory responsibilities are the non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005.
- 1.2 This Act requires licensing authorities to publish written policies, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Act, the principles that they will follow, and their expectations of licensees. The policy must be periodically

reviewed, so as to ensure that they reflect the current legislation and guidance, and are relevant to the issues arising in the authority's area.

- 1.3 North Norfolk District Council last reviewed Gambling Licensing Policy (Statement of Principles) in 2015. The policy is due for review and replacement by 31 January 2019, in order to satisfy the statutory requirements in the Act.
- 1.4 Officers have prepared a revised Statement of Principles under the Gambling Act 2005 to ensure it is up to date. The revised document can be found in **Appendix 1**. The changes are summarised below in Section 2.
- 1.5 The Act specifies a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, an 8-week consultation on the revised policies will be carried out with regard to these requirements, and to the [Government's consultation principles](#).
- 1.7 The final decision to adopt or revise a licensing policy under the Act must be made by Full Council. The Committee will be asked to resolve to agree the Gambling Licensing Policy (Statement of Principles) which will be presented to Cabinet (with any additional revisions after considering the consultation responses).

2 Changes to the Gambling Statement of Principles (Gambling Act 2005)

- 2.1 The gambling legislation has had few changes in recent years, with the majority of amendments affecting the regulation of remote gambling, regulated by the Gambling Commission, rather than non-remote gambling which falls to licensing authorities. As a consequence, only minor changes have been proposed to the Statement of Principles.
- 2.2 Generally, the Policy remains substantially unchanged; however, the following changes have been made;
 - 2.2.1 The removal of Section 13 'Premises ready for gambling'. This was removed on advice from a specialist licensing legal firm, as it is not a legal requirement.
 - 2.2.2 There is an additional paragraph added to the Section on 'Local Area Profiling' requiring Licensees to share their Risk Assessment with the Licensing Authority.
 - 2.2.3 The Section relating to 'Casinos' has been amended as this Authority does not have any operating within the District. It details the position of the Authority for any future decisions.

2.2.4 Minor changes to the structure, layout and wording but which do not affect the Statement of Principles previously agreed.

3 Guidance

3.1 The Gambling Commission provide guidance for local authorities to assist in the preparation and review of the Statement of Principles; [Gambling Commission's guidance](#) published in September 2015.

4 Implications and Risks

None

5 Financial Implications and Risks

None

6 Sustainability

Not Applicable to this report

7 Equality and Diversity

None

8 Section 17 Crime and Disorder considerations

There are no implications associated with this report.

NNDC ENVIRONMENTAL HEALTH DEPARTMENT
Gambling Licensing Policy – 2015 version

TDLIGA12

Version Control for QMS Documents
PDF version available for website

Date Changes Made	Originator	Sections Changed	Approved By	Version Number	Next Review Date
19/11/12	Lara Clare	New Document	Chris Cawley	1.0	
	Lara Clare		Chris Cawley	2.0	
01/10/14	Nicky Davison	Update HMRC contact	Gemma Faircloth	3.0	
20/08/15	Gemma Faircloth	3 year revision	Steve Hems	4.0	April 2018
18/06/18	Gemma Faircloth	3 year revision	Steve Hems	5.0	April 2021

NORTH NORFOLK DISTRICT COUNCIL



Gambling Licensing Policy (Statement of Principles)

North Norfolk District Council
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NR27 9EN

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E-mail: licensing@north-norfolk.gov.uk

www.northnorfolk.org

Approved by Cabinet on: *****2018

Approved by Council on: *****2018

Effective: 31 January 2019

**North Norfolk District Council
Gambling Act 2005
Statement of Principles
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PART A

OVERVIEW

1 The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005 (hereafter referred to as the Act), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling 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 (<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>)
 - reasonably consistent with the licensing objectives
 - in accordance with the Authority’s Gambling Licensing Policy Statement of Principles

2 Introduction

- 2.1 North Norfolk District Council is situated in the County of Norfolk, which contains seven District Councils in total. The Council area has a population of approximately 99,800 covering an area of 400 square miles making it one of the smaller districts in Norfolk. The Council’s area is mainly rural/coastal.
- 2.2 The mainstays of North Norfolk’s economies are tourism, agriculture and service industries. The majority of these sectors have suffered decline in employment and are prone to cyclical and seasonal variations.
- 2.3 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 re-consulted upon. The statement must be then re-published. The Council’s first gambling policy was adopted on 1st November 2006.

- 2.4 North Norfolk District Council will consult widely upon this statement of principles before finalising and publishing. A list of persons who have been consulted is provided in **Annex 1**.
- 2.5 The Act 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 Act
- 2.6 Our consultation took place between the xxxxxxxx 2018 and xxxxxxxx 2018 and followed HM Government Consultation Principles (published 2018), which is available at; <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.7 The full list of any comments made and the consideration by the Council of those comments will be available by request to the Public Protection Manager at the Council.
- 2.8 The policy was approved at a meeting of the Full Council on the xxxxxxxx 2018 and was published via the Council's website on the xxx January 2019.
- 2.9 Should you have any comments as regards this statement of principles please send them via email or letter to:
- Public Protection Manager
Public Protection Team
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN
Public.Protection@north-norfolk.gov.uk
- 2.9 It should be noted that this policy statement 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 Act.

3 Declaration

- 3.1 In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance to local authorities issued by the Gambling Commission and any responses from those consulted on the statement.

4 Responsible Authorities

- 4.1 The licensing authority is required 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 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
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 This Authority designates the Norfolk Local Safeguarding Children Board for this purpose, <https://www.norfolkscb.org/>.
- 4.3 The contact details of all the Responsible Authorities under the Act are attached at **Annex 2**.

5 Interested parties

- 5.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person;
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) has business interests that might be affected by the authorised activities
 - c) represents persons who satisfy paragraph (a) or (b)"
- 5.2 The licensing authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities. It will also consider the Gambling Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
 - Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represent the wards likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these

however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.3 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, then please contact the Councils Public Protection Team.

6 Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7 Enforcement

- 7.1 Licensing authorities are required by regulation under the Act 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.
- 7.2 This Licensing Authority's principles are it will be guided by the Gambling Commission's guidance for local authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: 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

- **Targeted:** regulations should be focused on the problem and minimise side effects
- 7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Licensing Authority inspection programme will be risk-based and take into account;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - This statement of principles
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

8 Licensing Authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - issue *Provisional Statements*
 - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue *Club Machine Permits* to *Commercial Clubs*
 - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register *small society lotteries* below prescribed thresholds
 - issue *Prize Gaming Permits*
 - receive and Endorse *Temporary Use Notices*
 - receive *Occasional Use Notices*
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
 - maintain registers of the permits and licences that are issued under these functions

- 8.2 It should be noted that Licensing Authorities are not involved in licensing remote gambling at all; this is regulated by the Gambling Commission via operating licences.

DRAFT

PART B
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9 General Principles

9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

10 Decision making

10.1 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling 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
- in accordance with the authority's statement of licensing policy

10.2 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – Paragraph 21) and also that unmet demand is not a criterion for a Licensing Authority.

11 Definition of "premises"

11.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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 different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Licensing Authority shall pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

11.2 The Gambling Commission states in its guidance to licensing authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not

mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

- 11.3 This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, 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
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence
- 11.4 The guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates?
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 11.5 This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

12 The Gambling Commission's relevant access provisions for each premises type

12.1 Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

12.2 Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

12.3 Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

12.4 Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

12.5 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

12.6 Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

12.7 The Gambling Commission's guidance to licensing authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

13 Location

- 13.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance for local authorities, this Authority will pay particular attention to the 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 as regards areas where gambling premises should not be located, this 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 onus upon the applicant showing how potential concerns can be overcome.

14 Local Area Profiling

- 14.1 The Social Responsibility Code, which is part of the Gambling Commissions, Licensing Conditions and Codes of Practice, most recently published in January 2018 (effective from 4 April 2018) requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises, and have policies, procedures and control measures to mitigate those risks. Additionally, applicants have to undertake a local assessment when applying for a new or variation of a premises licence, to take account of significant changes in the local circumstances or when there are significant changes at the licensee's premises.
- 14.2 Licensees should share their Risk Assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licenced premises, or otherwise on request.
- 14.3 The Licensing Authority is aware that there is no mandatory requirement to have a local area profile but recognises that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then these will be reflected in a separate document and made available from the Public Protection Team and on the Council's website.
- 14.4 Enquiries with relevant organisations have not revealed any data to suggest that there are any areas within the District that could be identified as a risk.

15 Planning Permission / Building Regulations

- 15.1 In determining applications the Licensing Authority will not take into consideration matters that are not related to gambling and the licensing objectives. An example would be, the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

- 15.2 The Licensing Authority is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling.

16 Duplication with other regulatory regimes

- 16.1 This Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning as indicated above.

17 Licensing objectives

- 17.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

- 17.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.** This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as, the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

- 17.3 Ensuring that gambling is conducted in a fair and open way.** This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. The only exception to this is for tracks, which is covered in paragraph 24 below.

- 17.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling.** This Licensing Authority has noted the Gambling Commission's guidance for local authorities' states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of

entrances/machines, segregation of areas etc.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This Licensing Authority will consider this licensing objective on a case by case basis.

18 Conditions

- 18.1 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises
 - reasonable in all other respects
- 18.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 18.3 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. 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 non-adult gambling specific premises in order to pursue the licensing objectives.
- 18.4 This Authority will ensure that where category C or above machines are on offer 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
 - 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
- 18.5 This Licensing Authority is aware that tracks may be subject to one or more

than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this Licensing Authority will consider the impact upon the third 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.

- 18.6 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - conditions relating to gaming machine categories, numbers, or method of operation
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - conditions in relation to stakes, fees, winning or prizes

18.7 ***Door Supervisors***

If the Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

19 Adult Gaming Centres

- 19.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 19.2 This Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory or exhaustive and is merely indicative of example measures.

20 (Licensed) Family Entertainment Centres

- 20.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 20.2 This Licensing Authority may consider measures to meet the licensing objectives such as:
- CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory or exhaustive and is merely indicative of example measures.

21 Casinos

- 21.1 There are currently no casinos operating within the District
- 21.2 The Licensing Authority has not passed a resolution under S166 of the Gambling Act 2005 not to issue casino premises licences. Any future decision to pass such a resolution will only be taken after a full consultation process has been undertaken and the statement of principles would be updated.

22 Bingo premises

- 22.1 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

23 Betting premises

- 23.1 **Betting machines** – *A 'betting machine' is not a gaming machine and the Council is aware that it can attach a condition to restrict the number of betting machines.* This Licensing Authority will, as per the Gambling Commission's

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 an operator wants to offer.

24 Tracks

- 24.1 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 24.2 This Authority expects the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 24.3 This Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as Game Care

This list is not mandatory or exhaustive and is merely indicative of example measures.

- 24.4 **Gaming machines** – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 24.5 **Betting machines** – This Licensing Authority will, as per the Gambling Commission's guidance, take into account the size of the premises 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 an operator proposes to offer.

25 Applications and plans

- 25.1 Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.
- 25.2 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 25.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 25.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 25.5 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. It is appreciated that racecourses may need the flexibility to provide different facilities on different days without the need to vary the licence and this will be reflected in the application process.

26 Travelling Fairs

- 26.1 This Licensing Authority is responsible for deciding whether (where category D machines and/or equal chance prize gaming without a permit is to be 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 and will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 26.2 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it 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. This Licensing Authority will work with its

neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

27 Provisional Statements

- 27.1 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 27.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed
 - expects to be altered
 - expects to acquire a right to occupy
- 27.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The Applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 27.4 In contrast to the premises licence application, the Applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 27.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage
 - they reflect a change in the applicant's circumstances
- 27.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage
 - which in the authority's opinion reflect a change in the operator's circumstances
 - where the premises has not been constructed in accordance with the plan

submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the Applicant before making a decision

28 Reviews

- 28.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- 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
 - in accordance with the authority's statement of licensing policy
- 28.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 28.3 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 28.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 28.5 The Licensing Authority must carry out the review as soon as possible after the 28-day period for making representations has passed.
- 28.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- add, remove or amend a licence condition imposed by the licensing authority
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence
- 28.7 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153

of the Act, as well as any relevant representations.

28.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

28.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable
- Her Majesty's Commissioners for Revenue and Customs

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PART C
PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

29 Unlicensed Family Entertainment Centre gaming machine permits
(Statement of Principles on Permits – Schedule 10 paragraph 7)

- 29.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 29.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the Act.
- 29.3 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 29.4 This Licensing Authority has adopted the following Statement of Principles, in respect of unlicensed FECs:
- 29.5 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; however, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised very young children being on the premises and children causing problems around the premises.
- 29.6 The Licensing Authority will also expect the applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 29.7 The Licensing Authority will require the following to be submitted in addition to the application form and fee:
- Proof of the applicant's identity and age
 - Proof of the applicant's right to occupy the premises for which the permit is sought
 - (Where the applicant is an individual) a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the licensing authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement
 - An insurance certificate (or certified copy) confirming the availability of

public liability insurance covering the proposed activity

- A plan scale 1:100 of the premises showing:
 - The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public
 - The location of any fixed or temporary structures
 - The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises
 - The location of any public toilets within the boundary of the premises
 - The location of CCTV cameras
 - The location of any ATM or other cash/change machines
 - The proposed location of the Category 'D' machines
 - Details of non category 'D' machines (e.g. skill with prizes machines)

30 (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))

30.1 Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

30.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- 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
- an offence under the Gambling Act has been committed on the premises

30.3 Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

30.4 This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult

only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 30.5 It should be noted that the Licensing Authority can 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.
- 30.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

31 Prize Gaming Permits

- 31.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.
- 31.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations
 - that the gaming offered is within the law
 - clear policies that outline the steps to be taken to protect children from harm
- 31.3 The Licensing Authority shall also require (where the applicant is an individual) a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- 31.4 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

31.5 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The 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 money prize), or the prescribed value (if non-monetary prize)
- participation in the gaming must not entitle the player to take part in any other gambling

32 Club Gaming and Club Machines Permits

32.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

32.2 Licensing authorities may only refuse an application on the grounds that:

- 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
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years
- an objection has been lodged by the Commission or the police

32.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming

- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

32.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

33 Temporary Use Notices

33.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

33.2 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

34 Occasional Use Notices

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

35 Small Society Lotteries

35.1 The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

35.2 The Licensing Authority must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006);
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial the Licensing Authority may require applicants to provide copies of the society's constitution or terms of reference.

- 35.3 For new applications, the Licensing Authority shall require the promoter of the lottery to produce a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the Licensing Authority.
- 35.4 The Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society
 - 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 false or misleading
- 35.5 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its web-site its procedures on how it handles representations.
- 35.6 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

PART D
COMMITTEE, OFFICER DELEGATION AND CONTACTS

36 Committee decisions and scheme of delegation

- 36.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 36.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
- 36.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
- 36.4 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 36.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.
- 36.6 The table shown at **Annex 3** sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 36.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

38 Contacts

- 38.1 Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

Public Protection Team
North Norfolk District Council
Holt Road
Cromer
NR27 9EN

Tel: 01263 516189
E-mail: Public.Protection@north-norfolk.gov.uk
Website: www.northnorfolk.org

- 38.2 Information is also available from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
Website: www.gamblingcommission.gov.uk

Annex 1

List of Persons Consulted

North Norfolk District Council

Gambling Commission

Norfolk Constabulary (Chief Officer of Police and the Police and Crime Commissioner)

Norfolk Fire Service

Norfolk Safeguarding Children Board

Norfolk County Council

HM Revenue and Customs

Norfolk Trading Standards

Public Health, Norfolk County Council

Association of British Bookmakers

Gamblers Anonymous

Gamcare

Responsible Gambling Trust t/a Gambleaware

British Amusement Catering Trade Association (BACTA)

British Beer and Pub Association

Housing Associations;

- Broadland Housing Association
- Cotman Housing Association
- Orbit Housing Association
- Peddars Way Housing Association
- Victory Housing Trust
- Wherry Housing Association

Market Town Surgeries;

- Cromer Group Practice
- Staithe Surgery, Stalham
- Paston Surgery, North Walsham
- Fakenham Medical Practice
- Holt Medical Practice

Norfolk Chamber of Commerce and Industry

Association of Licensed Multiple Retailers

Gambling Therapy, Gordon Moody Association, Dudley

Parish Clerks and Town Councils

Holders of Gambling Act 2005 licences/permits and registrations issued by North Norfolk District Council

Annex 2

RESPONSIBLE AUTHORITIES	
<p>The Licensing Authority North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516189 Email: Public.Protection@north-norfolk.gov.uk</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 Email: info@gamblingcommission.gov.uk</p>
<p>The Chief Officer of Police Norfolk Constabulary Licensing Team, Bethel Street Norwich NR1 1NN</p> <p>Tel: 01603 276024 Email: licensingteam@norfolk.pnn.police.uk</p>	<p>Fire Authority Divisional Commander Fire Station Friars Lane Great Yarmouth NR30 2RP</p> <p>Tel: 01493 843212 Email: Gtyar@fire.norfolk.gov.uk</p>
<p>Planning Authority North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516150 Email: planning@north-norfolk.gov.uk</p>	<p>Environmental Health North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516085 Email: ep@north-norfolk.gov.uk</p>
<p>Norfolk Safeguarding Children Board, Room 60 Lower Ground Floor County Hall Martineau Lane Norwich NR1 2DH</p> <p>Tel 01603 223409 Email: nscb@norfolk.gov.uk</p>	<p>HM Revenue and Customs National Registration Unit Betting & Gaming Portcullis House 21 India Street Glasgow G2 4PZ</p> <p>Tel: 0300 200 3700 Email: NRUBetting&Gaming@HMRC.gsi.gov.uk</p>

Annex 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/ SUB-COMMITTEE	OFFICERS
Final Approval of Statement of Principles	X		
Policy to permit casino	X		
Fee Setting - when appropriate			X (with Cabinet approval)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of Small Society Lottery applications			X