



29/10/2021

Our Ref Council/11/11/2021
Contact. Committee Services
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To: The Chair and Members of North Hertfordshire District Council

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE COUNCIL

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

on

THURSDAY, 11 NOVEMBER 2021

at

7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES - 23 SEPTEMBER 2021 To take as read and approve as a true record the minutes of the meeting of the Committee held on 23 September 2021.	5 - 20
3.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4.	CHAIR'S ANNOUNCEMENTS <u>Climate Emergency</u> The Council has declared a climate emergency and is committed to achieving a target of zero carbon emissions by 2030 and helping local people and businesses to reduce their own carbon emissions. A Cabinet Panel on the Environment has been established to engage with local people on matters relating to the climate emergency and advise the council on how to achieve these climate change objectives. A Climate Change Implementation group of councillors and council officers meets regularly to produce plans and monitor progress. Actions taken or currently underway include switching to green energy, incentives for low emission taxis, expanding tree planting and working to cut food waste. In addition the council is a member of the Hertfordshire Climate Change and Sustainability Partnership, working with other councils across Hertfordshire to reduce the county's carbon emissions and climate impact. The Council's dedicated webpage on Climate Change includes details of the council's climate change strategy, the work of the Cabinet Panel on the Environment and a monthly briefing on progress. <u>Declarations of Interest</u> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking	

Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

5. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

6. NOTICE OF MOTIONS

To consider any motions, due notice of which have been given in accordance with Standing Order 4.8.12.

7. QUESTIONS FROM MEMBERS

To consider any questions submitted by Members of the Council, in accordance with Standing Order 4.8.11 (b).

8. ITEMS REFERRED FROM OTHER COMMITTEES

Any Items referred from other committees will be circulated as soon as they are available.

9. STATEMENT OF GAMBLING LICENSING PRINCIPLES

21 - 72

10. CONSTITUTIONAL AMENDMENTS

Report to follow; papers will be circulated as a supplementary agenda as soon as they are available.

11. INDEPENDENT MEMBER OF FINANCE, AUDIT AND RISK COMMITTEE

73 - 76

To consider the appointment of an independent member of the Finance, Audit and Risk Committee.

12. USE OF URGENCY IN RELATION TO CALL-IN FOR DECISION ON BUSINESS RATE POOLING

77 - 78

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, District Council Offices, Gernon Road,
Letchworth Garden City
on Thursday, 23rd September, 2021 at 7.30 pm

PRESENT: Councillors: Councillor Val Bryant (Chair), Ian Albert, Amy Allen, Daniel Allen, Kate Aspinwall, David Barnard, Clare Billing, Judi Billing, Simon Bloxham, Ruth Brown, Sam Collins, Elizabeth Dennis-Harburg, Morgan Derbyshire, Sarah Dingley, Jean Green, Terry Hone, Keith Hoskins, Mike Hughson, Tony Hunter, Steve Jarvis, David Levett, Ian Mantle, Nigel Mason, Michael Muir, Lisa Nash, Sam North, Sean Prendergast, Mike Rice, Adem Ruggiero-Cakir, Carol Stanier, Claire Strong, Mandi Tandi, Kay Tart, Richard Thake, Tom Tyson and Michael Weeks

IN ATTENDANCE: Anthony Roche (Managing Director), Jeanette Thompson (Monitoring Officer), Ian Couper (Service Director – Resources), Nigel Smith (Strategic Planning Manager), Reuben Ayavoo (Policy & Community Engagement Manager), Melanie Stimpson (Democratic Services Manager), William Edwards (Committee, Member and Scrutiny Manager)

ALSO PRESENT: At the commencement of the meeting 2 member of the public, including registered speakers.

35 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 21 seconds.

Apologies for absence were received from Councillors John Bishop, Paul Clark, Adam Compton, George Davies, Faye Frost, Gary Grindal, Simon Harwood, Keith Hoskins, Jim McNally, Ian Moody, Gerald Morris, Sue Ngwala and Terry Tyler.

Councillor Juan Cowell was absent.

36 MINUTES OF MEETING ON 8 JULY 2021

Audio Recording – 2 minutes 55 seconds.

Councillor Val Bryant proposed, Councillor Elizabeth Dennis-Harburg seconded and it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 8 July 2021 be approved as a true record of the proceedings and be signed by the Chair.

37 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 50 seconds.

There was no other business notified.

38 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 51 seconds.

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (4) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (5) The Chair advised that a comfort break would not be taken unless Members requested one at a suitable juncture after 9pm.

39 PRESENTATION OF A GIFT TO PAST CHAIRS OF COUNCIL

The past Chair of Council for the civic year 2019/20 Councillor Jean Green was presented with a gift in recognition of her service.

Councillor Elizabeth Dennis-Harburg paid tribute to Councillor Green's welcoming attitude and words of wisdom and thanked her for her work.

Councillor Claire Strong thanked Councillor Green for her hard work as Chair in particular her successful fundraising efforts for her chosen charities.

Councillor Val Bryant proposed, Councillor Claire Strong seconded and it was:

RESOLVED: That the Council place on record its sincere thanks and appreciation to Councillor Jean Green for services as Chair of the Council during the 2019/2020 civic year.

40 PRESENTATION OF A GIFT TO CHAIR'S SECRETARY

The Chair announced that she would be arranging for flowers to be delivered to Penny Copestake, Chair's Secretary, in recognition and thanks for her hard work and support.

The Chair paid tribute to Penny Copestake for her valuable work and assistance as Chair's Secretary and for always being available to offer information and advice.

Councillor Val Bryant proposed, Councillor Jean Green seconded and it was:

RESOLVED: that the Council place on record its sincere thanks and appreciation to Penny Copestake for her hard work and dedication as the Chair's Secretary.

41 ANNOUNCEMENT OF CHAIR'S CHARITIES

The Chair announced that the charities she had chosen to support this civic year were Tilehouse Counselling and Garden House Hospice.

Tilehouse Counselling provided mental health support to adults and young people in Hitchin and across North Herfordshire.

The Garden House Hospice offered palliative care and respite across the District and was supported by the Chair's fellow councillors in Bearton.

Councillor Richard Thake made a donation to the Chair's charity fund.

42 RETIREMENT OF SERVICE DIRECTOR PLACE

The Chair announced the retirement of Vaughan Watson, Service Director – Place, after 31 years of work for the authority.

Vaughan joined the Authority in 1990 from a London Borough, his first role was as a Recreation Officer. Vaughan then had the following roles –

- Market and Halls Officer
- Recreation and Markets Officer
- Chief Leisure Officer
- Assistant Director – Leisure
- Head of Leisure and Environmental Services

His career culminating in a promotion to Service Director Place in 2018.

The Chair paid tribute to Vaughan and remarked that he was a popular and well-regarded member of the Leadership team and made an enormous contribution to the Council through his vital work on green space and waste operations. She further noted Vaughan's ability to build strong relationships with contractual partners and wished him a long and happy retirement.

Councillor Elizabeth Dennis-Harburg paid tribute to Vaughan for his enthusiasm and his support over her years of work as a Councillor where he offered advice and information with patience and a friendly but firm manner.

Councillor Claire Strong thanked Vaughan for his work and his willingness to give his time and to explain issues to Members, and for his achievements particularly in leisure services regarding the Royston Leisure Centre.

Councillor David Barnard remarked that he first met Vaughan 25 years ago, and found him to be a supportive and friendly colleague with a fair and gentlemanly manner, with a can-do attitude that was a credit to the authority.

Councillor Steve Jarvis thanked Vaughan for his work and paid credit to his depth of knowledge and passion for his area and the policies he helped to develop and implement, in particular rewilding of green spaces.

Councillor Amy Allen thanked Vaughan for his patience and guidance in answering questions and his encouragement to her as a new executive member.

Councillor Val Bryant proposed, Councillor Elizabeth Dennis-Harburg proposed and it was:

RESOLVED: That the Council place on record its sincere thanks and appreciation to Vaughan Watson for the valuable service to both this Authority and to Local Government.

43 PUBLIC PARTICIPATION

Audio recording – 23 minutes.

There was no public participation or questions from the public at this meeting.

44 NOTICE OF MOTIONS

Audio recording – 23 minutes 1 second.

There were 2 motions on notice submitted in accordance with Standing Order 4.8.12.

45 MOTION ON THE PLANNING SYSTEM

Audio Recording – 23 minutes 34 seconds.

Councillor Elizabeth Dennis-Harburg proposed the motion as follows:

“That the Council notes:

Local resident concerns about their reduced ability to object to building works under the changes to Permitted Development Rights which have been made under this Government.

Widespread concerns and condemnation of the Planning White Paper proposals across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green spaces and heritage.

That the Council is concerned that:

Government proposals to change the planning system will remove the rights of residents to influence or object to inappropriate development within the District.

If implemented, the Government's proposals will undermine the character of our district and give carte blanche to developers to build what they please across large 'zones' without having to make proper contribution to the community.

That the Council believes that:

Planning works best when developers and the local community work together to shape local areas and deliver necessary new homes as part of coherent communities, with a full range of facilities.

Residents' rights to have a say over developments that will change the area must be protected.

Local councils, in consultation with their businesses and residents are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.

That Council calls for the Government to protect the right of communities to be involved in individual planning applications by scrapping its Planning White Paper and instead:

- Undertake a wholesale review of the Planning system, including Permitted Development Rights, in consultation with all those involved.
- Make the Planning appeal system properly accountable to local people
- Reduce the ability of Ministers to influence planning decisions, especially where they have an undeclared interest.”

Councillor Ruth Brown seconded the motion and reserved her right to speak.

The following Members participated in debate:

- Councillor Claire Strong
- Councillor Ian Mantle
- Councillor Sam Collins
- Councillor Ruth Brown

On the vote it was:

RESOLVED:

That the Council notes:

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- Make the Planning appeal system properly accountable to local people
- Reduce the ability of Ministers to influence planning decisions, especially where they have an undeclared interest.

46 MOTION ON THE CLIMATE AND ECOLOGICAL EMERGENCY BILL

Audio Recording – 34 minutes 27 seconds.

Councillor Steve Jarvis proposed the motion as follows:

“Council notes that:

Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.

Parliament in May 2019 declared an Environment and Climate Emergency and this Council has already declared a Climate Emergency.

There is a Bill before Parliament—the Climate and Ecological Emergency Bill (published as the “Climate and Ecology Bill”), which, if it became law, would require the government to develop a strategy to address the emergency that would ensure:

the ecological emergency is tackled shoulder to shoulder with the climate crisis in a joined-up approach;

the Paris Agreement is enshrined into law to ensure that UK does its real fair share to limit global temperature rise to the most stringent end of the Paris agreement -1.5°C;

the Leaders Pledge for Nature is enshrined into law to ensure that the UK’s ecosystems are protected and restored with a focus on biodiversity, soils and natural carbon sinks;

the UK takes full responsibility for our entire greenhouse gas footprint (i.e. consumption emissions plus shipping, flights and land-based transport) by accounting for all of the emissions that take place overseas to manufacture, transport and dispose of the goods and services we import and consume;

the UK takes full responsibility for our ecological footprint so that we protect health and resilience of ecosystems along both domestic and our global supply chains; and

an independent, temporary Climate and Nature Assembly is set-up, representative of the UK’s population, to engage with the UK Parliament and UK Government to help develop the emergency strategy.

Council therefore resolves to:

- Support the Climate and Ecological Emergency Bill;
- Inform the local media of this decision;
- Write an open letter to all North Hertfordshire MPs (shared with our residents through local and social media) urging them to sign up to support the Bill, or thanking them for doing so; and
- Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support.”

Councillor Adem Ruggiero-Cakir seconded the motion and reserved his right to speak.

The following Members participated in the debate:

- Councillor Claire Strong
- Councillor Michael Muir
- Councillor Steve Jarvis
- Councillor Adem Ruggiero-Cakir

On the vote it was:

RESOLVED:

Council notes that:

Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.

Parliament in May 2019 declared an Environment and Climate Emergency and this Council has already declared a Climate Emergency.

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- Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support.

47 QUESTIONS FROM MEMBERS

Audio recording – 46 minutes 30 seconds.

In accordance with Standing Order 4.8.11(b) three questions had been submitted by the deadline date for questions set out in the constitution.

(A) Local Plan Modifications

Councillor David Levett to Councillor Paul Clark (Executive Member for Planning):

“Following the public consultation on the Local Plan modifications, could the Executive Members say when those responses were submitted to the Inspector, when the Inspector will be submitting his final report, and more importantly, when Council will be asked to adopt the local plan?”

In the absence of Councillor Paul Clark, Councillor Ian Mantle (Deputy Executive Member for Planning) gave a response as follows:

“The responses were sent to the Inspector at the end of July. Unfortunately, something went wrong with the mail sorting centre; A few of the representations were not sent until September when this error had been pointed out. They were sent from the Council, but they got lost somewhere in the system. The Inspector originally said he will be reporting to the Council in autumn, whatever that means. We've recently had a letter saying that that's been pushed back and it will now be sometime in November. Whether that will move again is anybody's guess because it's totally in the hands of the Inspector. The Council will convene a special meeting to approve the Local Plan as soon as practical after we do finally receive the answer from the inspector.”

Councillor David Levett asked a supplementary question:

“Bearing in mind the importance of having a local plan in place and being able to control our development; We've had problems with his inspector right from the very beginning, being very tardy with the way he's responded to anything; Not following his own guidelines, not following his own procedures. And bear in mind how important it is we have a local plan in place. Does the administration have any intention of actually putting some form of complaint in now and finally getting this moved on and get the local plan in place?”

Councillor Ian Mantle responded:

“I totally agree with what Councillor Levett said about the dilatory and very slow process that has been adopted by the Inspector that was landed on us. We did consider at an earlier stage whether it would be appropriate. There's very limited amount where we can actually do to object by the way, and it was decided at that stage that probably on balance, it would be better to wait until we've actually got the Inspectors report and then consider what action we should take to make representations to the appropriate authorities about how we've been treated in this particular regard. But I totally sympathise with what Councillor Levett said.”

(B) NHDC providing help and support for those affected by crisis in Afghanistan

Councillors Judi Billing and Ruth Brown to Councillor Gary Grindal (Executive Member for Housing and Environmental Health):

“We're all aware of the unfolding humanitarian crisis in Afghanistan, that the world has witnessed in recent weeks, we're thankful that a large number of civilians and members of our armed forces were rescued, and able to flee the country before all troops were removed. However, we also know that many were not so fortunate. And we're greatly concerned for the safety of those that remain, and particularly fear from the future of women's rights under the rule of the Taliban. And certainly the reports were getting suggest we're right to be concerned about that. We thank the Executive and Deputy Executive Members for Housing and Environmental Health for their recent briefing in our Councillor's information bulletin, in relation to our position at that time on the

Government's resettlement scheme, but we're aware that the situation can change and does change daily.

Therefore, as we have quite a lot of members present at Full Council, I wonder whether the Deputy Executive member could please provide any further updates on the support that North Herts District Council is intending to provide as we prepare to help in any way that we can?"

In the absence of Councillor Gary Grindal, Councillor Sean Prendergast (Deputy Executive Member for Housing and Environmental Health) gave a response:

"I'm sure colleagues across the chamber will have along with the rest of the country sat and watched in horror at the unfolding humanitarian crisis in Afghanistan as the US and UK troops left the country at the end of August. It is of course reassuring to see how quickly community groups have come together to offer help where they can along with local authorities, including North Herts District Council, and we as an authority are committed to helping refugees secure safe and permanent housing where we can and we remain on standby to help those families that come into the UK. That position has not changed. However, like many Local Authorities without a housing stock, the help we can offer in terms of housing is somewhat limited, and very much dependent on the support of our local social housing providers. I am therefore pleased to report that due to the excellent partnerships we have with our local providers, this support is in place. The announcement of the Afghan Citizens resettlement scheme was made on the 13th of September, in which the government declared that UK will expect to provide housing for up to 5000 refugees in the first year and up to 20,000 in subsequent years. Importantly, this scheme also provided details of the funding that would be available to provide the additional support that the families being resettled require and I am therefore happy to report that NHDC has responded to the call for help and has offered two three bedroom homes in support of the scheme this year. Whilst I appreciate this is a small offer, this is in addition to homes already provided in support of the Syrian refugee scheme. This council should be incredibly proud of the support, along with our housing support partners, which is given to providing a new safe life to families who have been forced to flee their home countries in fear of their lives. Sadly, this is not just limited to Afghanistan. This country faces a number of refugees. And we as a Council remain committed to helping all refugees where we can and therefore are pleased that we've been able to provide safe homes in the past and will continue to do so in the future despite our limited resources. I'd like to place on record the sincere thanks of this Council to the housing team at North Herts District Council who continue to find ways of providing homes for those in desperate need.

"I do feel it's important to mention that members may have seen a recent article in one local online newspaper stating that NHDC had not offered support to the recent Afghan relocation assistance policy. This scheme was in support of the Afghan interpreters and we took this difficult decision after we had already been asked to provide temporary accommodation for up to 50 refugees for 12 months as part of another government scheme, and it was clear that we had no capacity to meet at short notice this additional demand due to our limited resources.

One final important point, if I may, whilst we remain on standby to help all refugees where we can it is important that Councillors do not lose sight of the housing crisis we face here in North Herts, and indeed across the country. It is right and proper that we help refugees. But we must also remember the demands of our housing team face on a daily basis in addressing those in temporary or unsuitable accommodation, those rough sleeping, and the 2800 households on our current housing waiting list. These too are a priority for this Council. This government must as a matter of urgency provide adequate funding to enable local authorities to build more affordable homes so we can meet all of those needs. Thank you."

Councillor Judi Billing asked a supplementary question:

“At the beginning of this crisis there was an overwhelming desire by residents across the county, and in North Herts just as much to help in many different ways, some of which were not always the most useful. So I would ask him what his advice is to local residents and groups who would like to give the most appropriate and targeted help that will do the most to help the refugees who we want to help to settle in the country as best they can?”

Councillor Sean Prendergast responded:

“If members of the Council and community groups or members of the public want to help, can I please emphasise recent charity announcements that cash donations are what is desperately needed; at Justgiving.com Herts Refugees, where you can make those donations if you if you want to. This is following charities becoming overwhelmed with other donations such as clothes and household items. So money is what is really needed.”

(C) Waste Service Disruption

Councillor George Davies to Councillor Amy Allen (Executive Member for Recycling and Waste Management)

In the absence of Councillor George Davies, Councillor Claire Strong asked the question:

“As members will be aware, we are currently experiencing disruption to our waste collection services. Could the Executive Member councillor Amy Allen provide an update on measures to alleviate these issues and restore normal service?”

Councillor Amy Allen responded:

“I'd like to actually open with firstly sending a thank you to the crews at Urbaser all of whom have been working above and beyond and without whom we would not function. They are doing an amazing job and we appreciate everything they do. Regarding the question specifically, the impact of the national drivers shortage has indeed been affecting collections across Hertfordshire and our contract is not alone. We are also experienced a wider staff shortage on some days with supermarket wages being attractive to some staff. Other Councils have had to suspend their garden waste, they are now having to suspend food waste collections; some residual waste has not been collected for several weeks and has been shown in an article in The Guardian.

We have been working through to keep our general services running as normal as possible. The service area has been updating members of our current business continuity position via MIS and today our preferred solution is in general rolling catch up. This means that rather than suspend collections in their entirety staff have been working overtime and weekends to catch up collections which are running behind their scheduled day.

Due to additional levels of sickness absence last week we were unable to resource a rolling catch up plan, but during August, it's worth noting that 97.6% of collections occurred on a scheduled day, with the remaining 2.4 occurring on the next day, the next working day, and sometimes including Saturdays.

This specifically is a national crisis. We as a Council are limited in our ability to alleviate these problems. However, the Herts Waste Partnership has been involved in a joint letter to the Environment Services Association Government regarding situation; we've got a swift response response, but no immediate help to alleviate driver shortages. We

have committed to paying for the training of two new drivers whose training will begin as soon as backlogs at the DVLA has been managed. We're also supporting one the client officers to refresh their CPD to allow them to drive for Urbaser when services are pressured. Driver vacancies are now also advertised on our own website.

Inevitably, whilst we continue to juggle resources over the coming months, there will be glitches but the staff are pulling out all the stops to get the work done. We have supervisors and the contract manager Urbaser regularly donning gloves and high vis and out driving or loading bins to support the crews. It has been an exceptional show of resilience, and I want to thank them again for all their hard work and their dedication. However, I'm sure you can agree with me that this is not sustainable.

A valid point I will include; we were warned, the government was warned that the majority of lost drivers were EU drivers. They were a large proportion of our driving workforce, and they are no longer present."

Councillor Claire Strong asked a supplementary question:

"With all these plans that we have so that which will alleviate the problem; When exactly do we think that service will be back to normal as it was? Are we talking one month, two months three months or six months?"

Councillor Amy Allen responded:

"The industry is concerned that the run up to Christmas is going to see more instances of staff being poached and therefore less resources and more disrupted services.

We are continuing to do our garden waste collections and food waste collections and offer the opportunity to have them mixed in with the garden waste where necessary should we miss them.

We hope that with regards to the backlogs at the DVLA being managed and people actually getting their licences that they're waiting to receive so they can go out and drive will alleviate the issues. But as I said before, this is a national crisis.

We are actually doing a lot better than some other Councils. Some are really struggling. Just nearby at Bedford they've had to suspend their garden waste; now they have suspended their food collection waste to bring back the garden waste. We aren't at that position yet. We asked residents to leave their bins out if they've been missed. And if they get missed for more than two days they can report it or they can be reported immediately, they can ring, they can report online.

And I'm sure everyone to be delighted actually that the website is being upgraded next month to make it a lot easier to log missed bins and to make the service less disrupted."

48 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 1 hour 4 minutes and 16 seconds.

8(a). Referral from Finance, Audit and Risk on 15 September 2021 – Financial Regulations

Councillor Clare Billing presented referral 8a from Finance, Audit and Risk Committee regarding the Financial Regulations and moved the recommendations; Councillor Ian Albert seconded.

On the vote it was:

RESOLVED: That the proposed changes to the Financial Regulations be adopted as attached as Appendix B to the report.

REASONS FOR DECISION: The constitution requires that the Financial Regulations are kept under review. Minor changes can be approved by the Chief Financial Officer, but more significant changes are approved by Council.

8(b). Referral from Cabinet on 21 September 2021 – Medium Term Financial Strategy

The Chair advised that this referral would be taken with Item 9.

8(c). Referral from Cabinet on 21 September 2021 – Council Plan 2022-27 and Council Objective 2022-2027

The Chair advised that this referral would be taken with Item 10.

49 MEDIUM TERM FINANCIAL STRATEGY

Audio Recording – 1 hour 7 minutes 35 seconds.

Councillor Ian Albert presented the report entitled Medium Term Financial Strategy 2022-2027 along with the following appendices:

- Appendix A – Medium Term Financial Strategy
- Appendix B – MTFFS 2022-2027 updated

Councillor Ian Albert proposed, Councillor Sam North seconded and on the vote it was:

RESOLVED: That Council adopt the Medium Term Financial Strategy 2022-27 as attached at Appendix B.

REASON FOR DECISION: Adoption of a MTFFS and communication of its contents will assist in the process of forward planning the use of Council resources and in budget setting for 2022/2023 to 2026/2027, culminating in the setting of the Council Tax precept for 2022/23 in February 2022. This will (alongside the Council Plan) support the Council in setting a budget that is affordable and aligned to Council priorities.

50 COUNCIL PLAN 2022-2027 AND COUNCIL OBJECTIVES FOR 2022-2027

Audio Recording – 1 hour 14 minutes and 42 seconds.

Councillor Elizabeth Dennis-Harburg presented the report entitled Council Plan and Priorities 2022-2027 along with the appendices:

- Appendix A - Council Plan 2022-2027
- Appendix A - Council Plan 2022-2027

Councillor Elizabeth Dennis-Harburg proposed the recommendations in the report. Councillor Ruth Brown seconded and reserved her right to speak.

The following Members took part in debate:

- Councillor Claire Strong
- Councillor Ruth Brown

On the vote it was:

RESOLVED:

- (1) That Council approves the Council Plan (Appendix A) with the three new Council Priorities as outlined below:
 - People First
 - Sustainability
 - A Brighter Future Together
- (2) That Council delegates the authority to make any minor changes in relation to the Council Plan to the Managing Director in consultation with Leader and Deputy Leader of the Council.

REASON FOR DECISION: The Council Plan is a key element of the corporate business planning process, as a high-level strategic document it sets out the Council's Priorities for the next year. As an overarching policy framework document, it guides and influences the use of Council resources; providing a focus for activities, plans and services the Council provide. There is a need to provide closer links between the Council Plan and Medium-Term Financial Strategy

51 COUNCILLORS PARENTAL LEAVE POLICY REPORT

Audio Recording – 1 hour 22 minutes 57 seconds.

Councillor Judi Billing presented the report entitled Councillors Parental Leave Policy along with Appendix A – Councillors Parent Leave Policy and moved the recommendations in the report.

Councillor Ruth Brown seconded and reserved her right to speak.

The following Members took part in debate:

- Councillor Richard Thake
- Councillor Sarah Dingley
- Councillor Claire Strong
- Councillor Ruth Brown

On the vote it was:

RESOLVED: That Council approves the Policy at Appendix A.

REASON FOR DECISION: There is presently no legal right to Parental (maternity, paternity or adoption) leave for Councillors. Councils may approach this issue individually and this is one step that can be taken by this Council to demonstrate it is welcoming to all and be as inclusive / family friendly for Councillors as possible.

52 ELECTORAL CYCLE CONSULTATION

Audio Recording – 1 hour 31 minutes 37 seconds.

The Democratic Services Manager presented the report entitled Electoral Cycle Consultation along with the following Appendices:

- Appendix A – Electoral Review Timetable
- Appendix B – Consultation Doc v1

The Democratic Services Manager drew attention to points including:

- A timetable for the electoral review of District Ward boundaries by the local Government Boundary Commission for England had been agreed with the Council;
- Prior to the submission on council size, there needed to be a decision on whether to retain the current electoral cycle of elections by thirds or to move to holding 'all out,' elections as this will impact on the number of Councillors the authority recommend within this submission to the commission;
- The council cannot pass a resolution to change its electoral cycle unless it has taken reasonable steps to consult; attached to the report at Appendix A is the proposed consultation document intended to consult via Survey Monkey or a paper based version which can be made available on request;
- The consultation question concentrated on the existing arrangements or whole council elections; there are very few authorities that elect by halves, the majority of councils do elect as a whole Council, and in 2004 the Electoral Commission advocated that all local authorities should move to all council elections, rather than electing by thirds or half stating that this will provide clear and easy to understand electoral process that would best serve the interests of the local government electors;
- The consultation would be for a four week period and results presented to a special meeting of Council to allow members to consider and determine any changes to the electoral cycle.

Councillor Elizabeth Dennis-Harburg moved the recommendations as in the report. Councillor Ruth Brown seconded.

The following Members took part in debate:

- Councillor Claire Strong
- Councillor Carol Stanier
- Councillor Richard Thake
- Councillor Ian Albert
- Councillor Elizabeth Dennis-Harburg
- Councillor Ruth Brown
- Councillor Morgan Derbyshire

The Democratic Services Manager advised that officer workload and staffing issues would make extending the timeframe of the consultation difficult and impact the analysis of any results from the consultation.

Richard Beesley, Consultant from the AEA, advised that the timeframe of the next round of consultations was determined by the Local Government Boundary Review Commission for England and therefore could not be altered. The outcome of this consultation needed to feed into the Council Size submission and the timescales were tight.

Councillor Elizabeth Dennis-Harburg proposed and Councillor Ruth Brown seconded the following amendment:

- 1) That the consultation period end date be extended from 1 November to 8 November and;
- 2) that the questions '- elect all of our Councillors every four years?; or - elect one third of our Councillors every year' be amended to stipulate 'District Councillors,' in both instances, as well as more reference to District Council throughout.

Following the vote the amendment was carried.

Following the vote on the motion as amended it was:

RESOLVED:

That Council:

- (1) Approves public consultation of the following question for four weeks starting on 4 October 2021 until 8 November 2021:

Do you think we should (select one only):

- elect all of our District Councillors every four years?; or
- elect one third of our District Councillors every year

- (2) Agrees that a Special Meeting of Council be convened following the consultation in order for Council to consider the results of the consultation and determine proposals for any change in its electoral cycle arrangements.

REASON FOR DECISION: To undertake public consultation in preparation for a decision on the Council's electoral cycle.

The meeting closed at 9.23 pm

Chair

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LICENSING AND REGULATION COMMITTEE
28 October 2021

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **GAMBLING ACT 2005**
 STATEMENT OF LICENSING PRINCIPLES 2022 – 2025

REPORT OF: **LICENSING MANAGER**

EXECUTIVE MEMBER: **HOUSING AND ENVIRONMENTAL HEALTH**

COUNCIL PRIORITY: **BUILD THRIVING AND RESILIENT COMMUNITIES**

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is for the Licensing and Regulation Committee (“the Committee”) to consider the draft Statement of Gambling Licensing Principles (“the Policy”) prepared by officers and the public consultation responses in order to recommend the adoption of a final Statement of Licensing Principles to Full Council.

2. RECOMMENDATIONS

2.1 That the Licensing and Regulation Committee consider the consultation responses and recommend the adoption of the Policy appended at Appendix A to Full Council.

3. REASONS FOR RECOMMENDATIONS

3.1 Licensing authorities are required to publish a policy every three years by virtue of section 349 of the Gambling Act 2005 (“the Act”).

3.2 A new policy must be published by 3 January 2022 to comply with this statutory requirement.

3.3 The Policy builds on the effectiveness of the existing policy with minor amendments to reflect changes in legislation, statutory guidance, consultation responses and an updated local area profile.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 The only alternative option would be a policy that differs in content and/or extent.

4.2 An alternative policy has not been considered as the proposed Policy strikes an effective balance between ensuring the promotion of the licensing objectives and not being overly prescriptive or prohibitive to applicants and licence holders.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Executive Member for Housing and Environmental Health has been kept informed throughout the drafting of the Policy and the public consultation process.

- 5.2 The Act requires the licensing authority to consult with a prescribed group of persons (see paragraph 9.1 of the report). Further information on the list of consultees is available in section A3.4 of the Policy.
- 5.3 To comply with this requirement, the licensing authority published the Policy on a dedicated webpage on the Council's website with details of the consultation period and an explanation of how to make a representation. All organisations listed in section A3.4 of the Policy were sent a consultation email or letter directing them to the consultation page.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The Act transferred the overall regulation of gambling to the Gambling Commission with local authorities acting as the licensing authorities and having responsibility for a variety of licensing functions in respect of gambling premises such as casinos, bingo halls, betting shops, track betting and amusement arcades.
- 7.2 In preparation for this new responsibility, local authorities had to publish a policy by 3 January 2007 and the Act requires the policy to be kept under regular review and formally reviewed by way of public consultation, and adoption by Full Council, every three years. The existing policy was last adopted with effect from 3 January 2019 therefore the statutory three year period expires on 2 January 2022.
- 7.3 The Policy seeks to strike a balance between the interests of licence holders, applicants, and residents in the promotion of the licensing objectives defined by the Act. Additionally, it outlines the licensing authority's expectations of licence holders in promoting the licensing objectives, whilst advising on the licensing authority's obligations under the Act, including its interpretation of the Act and/or Statutory Guidance where necessary.
- 7.4 It is the Council's intention that the Policy offers appropriate protection for residents and a streamlined approach to regulation that eases unnecessary burdens on businesses.

8. RELEVANT CONSIDERATIONS

8.1 Existing policy

- 8.1.1 Officers are of the view that in general terms the existing policy is working well, therefore, the only significant changes proposed are those detailed below. The Policy has been updated to reflect minor legislative changes and revised Statutory Guidance issued since its adoption.
- 8.1.2 Any amendments to the existing policy have been highlighted in red text in the Policy attached as **Appendix A**.

8.2 Local area profile

- 8.2.1 Local authorities are able to include a local area profile giving an overview of the district covering issues that may be relevant to the consideration of applications for gambling premises.

8.2.2 The local area profile included as Appendix A of the Policy has been updated in line with the latest information provided in the Knowing our Communities document appended as part of the Corporate Equality Strategy.

8.3 New paragraphs in the Policy

Public engagement

8.3.1 It is often the case that representations address issues outside of the remit of the licensing objectives which our customers can find confusing, particularly when it is still a Council responsibility. The Policy commits licensing officers to work with our customers to help them address their issues with the appropriate agency/service team.

8.3.2 The Policy also commits the Council to a multi-agency approach to address higher impact concerns in the community where licensing is not the main source of redress.

Mediation

8.3.3 To avoid unnecessary sub-committee hearings when a resolution with all party agreement is possible, officers will facilitate mediation between all parties. If mediation commences during the consultation period, it could alleviate further representations on the same issues where a resolution is agreed.

8.3.4 To encourage applicants to attempt mediation, unsuccessful attempts will be included in the sub-committee report to demonstrate the applicant is trying to work with the local community.

Local authority lottery

8.3.5 The Policy clarifies that the Council's community lottery is independently regulated by The Gambling Commission.

Safeguarding

8.3.6 The Council strongly believes that all licensed premises have a responsibility to ensure that safeguarding is a key priority for all businesses in respect of staff, customers, and any person in the vicinity of the premises.

8.3.7 The Policy already contained a section on child sexual exploitation however a new section has been added extending the responsibilities of licence holders in addressing all safeguarding matters. This relates to customers on the premises and in the immediate vicinity.

Environmental considerations

8.3.8 Protecting the environment doesn't fall within the remit of the licensing objectives so measures cannot be mandated however it is reasonable for the Council to expect licence holders to make every effort to support the Council's declaration of a climate emergency.

The Policy suggests measures that would support this approach such as:

- avoiding single use plastic cups if providing drinks to customers
- avoiding the use of plastic pen for completing betting slips
- company policies on environmental issues

Public health and gambling

- 8.3.9 Whilst public health in its own right is not within the remit of the licensing objectives, there is a role for the public health team. A study has shown that there is a statistically significant increase in the risk of violence and domestic abuse associated with gambling.
- 8.3.10 'Protecting children and other vulnerable people from being harmed by gambling' is a licensing objective therefore information relating to gambling-related health issues is relevant to this Policy. The Council will work with local public health teams where information becomes available, particularly in relation to licence reviews where licence holders are not doing enough to protect their customers from problem gambling.

Role of Councillors

- 8.3.11 Following on from the success in advising local ward councillors of Licensing Act 2003 applications in their wards, this will now be extended to include gambling premises too.

Representations in the public domain

- 8.3.12 To assist customers, the Policy confirms that names and addresses must be included with representations and will be published as part of the sub-committee report, as well as being supplied to the applicant. Telephone numbers and email addresses will be redacted.

Petitions

- 8.3.13 To assist customers, clarification has been included on the criteria required to accept petitions as representations.

8.4 Consideration of consultation responses

- 8.4.1 **Appendix B** summarises the consultation responses and the officers' responses.

9. LEGAL IMPLICATIONS

- 9.1 Section 8.2.3 (b) of the Constitution states the Licensing and Regulation Committee terms of reference include *'to make recommendations to Council on the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005'*.
- 9.2 Section 349 of the Gambling Act 2005 requires licensing authorities to publish a statement of licensing principles every three years in accordance with prescribed requirements. The adoption of the statement of licensing principles is a non-executive function by virtue of the Act and Statutory Guidance and is reserved for Full Council by virtue of section 4.2.1(e) of the Constitution.
- 9.3 In preparing the Policy, the licensing authority must (and has) published any proposed policy before giving it effect and must consult with:
- the chief officer of police for the licensing authority's area;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - 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 this Act.

- 9.4 The Act specifies that licensing authorities shall aim to permit the use of premises for gambling in so far as the authority thinks it:
- in accordance with any relevant code of practice issued under section 24 of the Act;
 - in accordance with any relevant guidance issued by The Gambling Commission under section 25 of the Act;
 - reasonably consistent with the licensing objectives (subject to the above);
 - in accordance with the Statement of Licensing Principles (subject to the above).
- 9.5 The licensing authority may only depart from its policy on an individual application where it is necessary to promote the licensing objectives and to comply with the requirements of paragraph 9.4 above. Departing from the policy for any other reason exposes the licensing authority to the possibility of legal challenge.
- 9.6 The Policy must (and does) support the Act and always seek to promote the three licensing objectives specified therein:
- preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

10. FINANCIAL IMPLICATIONS

- 10.1 Local authorities have the ability to set their own local fees for the Act on a cost recovery only basis, subject to centrally prescribed maximum amounts. The administration and enforcement of the Act, including the adoption of a policy, places no additional financial burden on the Council as all costs are recovered through fees. In accordance with a previous resolution of the Licensing and Regulation Committee, all locally set fees are subject to three-yearly costing exercises to ensure they recover all reasonable costs.

11. RISK IMPLICATIONS

- 11.1 If a policy is not adopted and published by 3 January 2022 in accordance with section 349 of the Act, the Council would be at risk of challenge for determining applications against an unlawful policy.
- 11.2 A clear and robust adopted policy provides the licensing authority with the opportunity to enhance its work with relevant stakeholders and to mitigate local risks to the licensing objectives proactively.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The Policy does not place any barriers or unique requirements on any person on the grounds of ethnicity, gender, religion, or any other protected characteristic. Officers work with all applicants and licence holders, where appropriate, to ensure that the Council's duty under the Equality Act 2010 is met.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and the “go local” policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 There are no known environmental impacts or requirements that apply to this Policy.

15. HUMAN RESOURCE IMPLICATIONS

15.1 The Policy will not place any new human resource implications on the Council.

16. APPENDICES

16.1 Appendix A Proposed Statement of Gambling Licensing Principles

16.2 Appendix B Summary of public consultation responses

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 Gambling Act 2005

18.2 Gambling Commission Guidance

18.3 Consultation

18.4 Existing policy

STATEMENT OF LICENSING PRINCIPLES

2022 - 2025

as required by
THE GAMBLING ACT 2005

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It is the Council's clear intention that this Statement of Principles is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the statement or the relationship of an individual section with other aspects of the statement. The Council strongly recommends that applicants read the entire statement as part of any application process.

A1. Overview

A1.1 In exercising most of its functions under the Gambling Act 2005 (“the Act”) North Hertfordshire District Council (“the Council”), acting as the licensing authority, must have regard to the licensing objectives as defined in section 1 of the Act. The three 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.**

A1.2 The Council is aware that, in making decisions in respect of premises licences and temporary use notices, section 153 of the Act prescribes that it should “*aim to permit*” the use of premises for gambling in so far as it is satisfied that the application is:

- (i) in accordance with any relevant Code of Practice issued by the Gambling Commission;
- (ii) in accordance with any relevant guidance issued by the Gambling Commission (“the Commission’s Guidance”);
- (iii) subject to (i) and (ii), reasonably consistent with the licensing objectives; and
- (iv) subject to (i), (ii) and (iii), in accordance with this Statement of Licensing Principles.

A1.3 In accordance with the Commission’s Guidance, the Council acknowledges that:

- (i) moral objections to gambling are not valid reasons to reject applications for premises licences; and
- (ii) demand is not a criterion for a licensing authority.

A2. Local area profile and risk assessments

A2.1 Local area profile

A2.1.1 Appendix A details the current local area profile for North Hertfordshire. Whilst no specific concerns have been identified with a direct link to gambling, applicants will be expected to have regard to the local area profile and demonstrate that there will be no adverse effect on community in which the premises is, or is proposed, to be located.

A2.1.2 The local area profile will be kept under review and Appendix A will be amended to reflect any changes in the local landscape and actual or perceived concerns in relation to gambling activity.

A2.2 Premises-specific risk assessments

A2.2.1 The guidance document ‘Licensing Conditions and Codes of Practice 2015’ issued by the Gambling Commission further strengthened the Commission’s Social Responsibility Code (“the Code”) by including the requirement for applicants to produce a risk assessment for each individual premises having regard to the locality and the Local Area Profile. These risk assessments are required from all applicants for new premises licences and from existing licence holders seeking to vary a premises licence. The Code also requires all operators of casinos, adult gaming centres, bingo premises, family entertainment centres, betting shops and remote betting intermediaries to assess local risks to the licensing objectives and to

have policies, procedures and control measures in place to mitigate any identifiable risks. Operators are required by the Code to make the risk assessments available for all new or variation premises licence applications.

A2.2.2 The Code requires the licensing authority to set out matters it expects operators to consider as part of their risk assessments in its Statement of Gambling Principles. North Hertfordshire District Council will expect risk assessments to include, but not be limited to:

- Location in respect of risk to children, for example proximity to schools, playgrounds, leisure facilities and other areas where children may gather such as bus stops, shops, and cinemas
- Location in respect of risk to vulnerable adults, for example proximity to hospitals, residential care homes, GP surgeries and other medical facilities, and addiction clinics or help centres.
- Location in respect of matters of faith, for example proximity to churches, mosques, temples, and other places of worship
- Location in respect of other relevant facilities, for example proximity to other gambling outlets, banks, post offices, cashpoints, refreshment providers, premises selling alcohol, and other entertainment venues
- Areas that are experiencing, or have experienced, problems with anti-social behaviour, street drinking, underage drinking, drug taking or dealing, and attempted underage gambling
- Local arrangements for sharing information regarding self-exclusions, problem gambling, and other gambling trends
- Information held by the operator regarding self-exclusions, problem gambling, and other gambling trends (existing premises)
- Local crime statistics
- Layout of the premises and adequate staffing numbers to discourage access by children and vulnerable persons

A3. Consultation

A3.1 Licensing authorities are required by the Act to publish a statement of the principles which they intend to apply when exercising their statutory licensing functions. This statement must be published at least every three years however it must also be reviewed from 'time to time' where necessary, for example due to newly issued Gambling Commission Guidance. On such occasions, the Council will re-consult on any proposed amendments that affect the focus or main principles before re-publishing the revised Statement of Principles.

A3.2 This Statement of Principles fully supports North Hertfordshire District Council's vision of:

“making North Hertfordshire a district in which everyone who lives, works or visits is able to flourish”

whilst offering a wide range of facilities within a safe and enjoyable environment.

A3.3 The Council consulted widely upon this statement before adopting and publishing the final version. 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 Gambling Act 2005.

A3.4 In preparing and reviewing this Statement of Principles the Council consulted with:

- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- The Gambling Commission
- HM Revenue and Customs
- North Hertfordshire District Council Development Control
- North Hertfordshire District Council Environmental Health
- North Hertfordshire District Council Public Protection
- North Hertfordshire District Council Legal Services
- Hertfordshire County Council Safeguarding Children Board
- Hertfordshire County Council Safeguarding Adults Board
- Hertfordshire Director of Public Health
- All existing Gambling Act 2005 premises licence and permit holders
- Premises licence and club premises certificate holders under the Licensing Act 2003 affected by this Policy
- Current small society lotteries registered with North Hertfordshire District Council
- Local neighbouring authorities
- Association of British Bookmakers Ltd
- BACTA (British Amusement Catering Trade Association)
- Bingo Association
- British Association of Leisure Parks, Piers & Attractions Limited
- Business in Sport and Leisure
- Gamcare
- Town Centre BIDs
- Local residents via the Council's website and social media

A4. Declaration

A4.1 In producing its final Statement of Principles, the Council declares that it has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses received during the consultation process.

A5. Review of the Statement of Principles

A5.1 In the intervening period between statutory reviews the Council will periodically review the Policy to ensure it remains relevant to emerging and local issues.

A5.2 Significant policy amendments

A5.2.1 Any amendment to this Statement of Principles, other than those made under section A5.3 below, will be subject to formal consultation and adoption.

A5.3 Administrative policy amendments

A5.3.1 Administrative amendments to this Statement of Principles, required by virtue of legislative changes, new Guidance to Licensing Authorities issued by the Gambling Commission, **or amendments to the Council's vision/priorities/themes in line with the Council Plan**, will be made by the Licensing Manager acting on behalf of the Council under the Scheme of Delegation contained within the Council Constitution.

A5.3.2 Amendments under this section are restricted to those required to accurately reflect the current legislative position **or Council Plan** rather than amendments that change the focus

of local policy. They will not necessitate the adoption of a new Statement of Principles nor amend the stated three-year period of the existing Statement of Principles so amended.

A5.3.3 Amending Appendix A to reflect an amended local area profile is deemed an administrative amendment under this section.

A6. Each application determined on its own merits

A6.1 It is important to note that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as the Council will consider each on its own individual merits and in accordance with the statutory requirements of the Act.

A7. Regulated gambling activities

A7.1 Gambling is defined in the Act as either gaming, betting or taking part in a lottery.

A7.2 Gaming means the playing of a game of chance for a prize.

A7.3 Betting means:

- the making or accepting of a bet on the outcome of a race, competition or any other event
- the likelihood of anything occurring or not occurring
- whether anything is true or not true.

A7.4 A lottery is where persons must pay in order to take part in an arrangement during the course of which one or more prizes are allocated by a process reliant wholly on chance.

A7.5 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration provided that:

- no charge is made for participation
- only equal chance gaming takes place
- it takes place at a premises to which the public have no right of access

Domestic betting between inhabitants of the same household or between employees of the same employer is also exempt.

A7.6 Non-commercial gaming and betting (where no part of the proceeds, including proceeds from ancillary activities such as alcohol sales, is for private gain) may be exempt under certain circumstances. As this is a complex area of the Act, further advice should be sought from council licensing officers.

A8. Authorisations under the Act

A8.1 The Act provides for three categories of licence; operating licences, personal licences and premises licences. The Council will be responsible for the determination and issuing of premises licences. The responsibility for operating and personal licences rests with the Gambling Commission.

A8.2 Premises licences issued by the Council cover the following types of premises:

- casinos
- bingo premises

- betting premises
- track betting
- adult gaming centres (AGC)
- family entertainment centres (FEC)

A8.3 The Council will be responsible for the determination and issuing of five categories of permit:

- unlicensed family entertainment centre (uFEC) gaming machine permits
- (alcohol) licensed premises gaming machine permits
- prize gaming permits
- club gaming permits
- club gaming machine permits

A8.3 The Council will be responsible for the determination and issuing of two categories of temporary authorisations:

- temporary use notices (TUN)
- occasional use notices (OUN)

A8.4 The Council will be responsible for the determination and registration of applications for small society lotteries.

A9. The Gambling Commission

A9.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people.

A9.2 The Commission:

- provides independent advice to the Government about the way gambling is carried out, the effects of gambling, and the regulation of gambling generally
- issues guidance pursuant to section 25 of the Act about the way licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- issues Codes of Practice pursuant to section 24 of the Act about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

A10. Responsible authorities

A10.1 Regulations require the Council to state the principles they will apply in exercising their 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

In accordance with the suggestion in the Commission's Guidance, the Council designates the Hertfordshire Safeguarding Children Board (HSCB) for this purpose.

A10.2 The contact details for all responsible authorities under the Act are:

<p>The Licensing Authority (acting as a responsible authority) <i>The Licensing Manager North Hertfordshire District Council P O Box 10613 Nottingham, NG6 6DW licensing@north-herts.gov.uk</i></p>	<p>Hertfordshire Constabulary <i>The Licensing Officer Hitchin Police Station College Road Hitchin SG5 1JX LicensingEasternArea@herts.pnn.police.uk</i></p>
<p>Hertfordshire Fire & Rescue Service <i>Fire Protection Mundells – MU103 Welwyn Garden City AL7 1FT administration.cfs@hertfordshire.gov.uk</i></p>	<p>The Planning Authority <i>Development Control & Conservation Manager North Hertfordshire District Council P O Box 10613 Nottingham, NG6 6DW planning.control@north-herts.gov.uk</i></p>
<p>Environmental Health <i>Environmental Health Manager North Hertfordshire District Council P O Box 10613 Nottingham, NG6 6DW env.health@north-herts.gov.uk</i></p>	<p>Children, Schools and Families <i>Hertfordshire Safeguarding Children Board Room 127 County Hall Pegs Lane Hertford SG13 8DF admin.lscb@hertfordshire.gov.uk</i></p>
<p>H M Revenues and Customs <i>National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ nrubetting&gaming@hmrc.gsi.gov.uk</i></p>	<p>The Gambling Commission <i>Victoria Square House Victoria Square Birmingham B2 4BP info@gamblingcommission.gov.uk</i></p>

A10.3 In the event that a premises straddles the boundaries of North Hertfordshire and a neighbouring authority, the licensing authority of the neighbouring authority also acts as a responsible authority for that application.

A10.4 The Council is designated as a responsible authority in addition to its role as the licensing authority. To ensure that the two roles are undertaken separately and independently of each other, and to ensure transparency, different officers will undertake each of the Council's roles.

A10.5 The Council, acting as a responsible authority, will not ordinarily make representations where other responsible authorities have done so. The council will only ordinarily make representations where:

- it has evidence that other responsible authorities do not possess
- an application conflicts with this Statement of Principles or the Commission's Guidance
- it can assist with the wording of licence conditions
- it acts on behalf of persons who are not in a position to act for themselves (for example, persons who have genuine fear of reprisals should they make a representation and their details and/or evidence become public information)

A11. Interested parties

A11.1 Interested parties can make representations in support of, or against licence applications, or apply for a review of an existing licence providing the representations are made in writing (including electronic transmission) and within the prescribed consultation period. The Act defines interested parties as:

“For the purpose 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 application is made, the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;*
- (b) has business interests that might be affected by the authorised activities; or*
- (c) represents persons who satisfy paragraph (a) or (b).”*

A11.2 The licensing authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether or not a person is an interested party. The principles to be applied by the Council are:

- the Council will not fetter its ability to carefully consider each application on its own merits by applying any rigid rules to its decision-making
- the Council will have regard to the examples of considerations provided in the Commission’s Guidance at paragraphs 8.9 to 8.17
- the Council will have regard to the Commission’s Guidance that states “has business interests” should be given the widest possible interpretation. This wide interpretation allows the Council to consider, where appropriate, organisations such as, but not limited to, partnerships, charities, schools, residents/tenants associations, faith groups and medical practices

A11.3 In determining whether or not a person *‘lives sufficiently close to the premises to be likely to be affected by the licensable activities’* or *‘has business interests that might be affected by the authorised activities’* the Council may take into account matters such as, but not limited to:

- the size and/or nature of the premises
- the nature of the licensable activities being proposed
- the distance from the premises of the person making the representation
- any special characteristics of the person making the representation (such as special interests in, or knowledge relating to, the proposed business, premises and/or licensable activities)
- the potential impact of the premises (for example number of likely customers, customer access routes, etc.)

A11.4 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 party will be required providing that the councillor or MP represents the ward likely to be affected by the application. It would, however, assist the Council if the elected representative could demonstrate the number of persons’ opinions that **they** represent. Similarly, parish councils likely to be affected by an application will be interested parties.

A11.5 Other than elected representatives however, the Council will generally require written evidence that a person/body (for example an advocate, a relative, etc.) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. Usually, a letter or email from one of these persons requesting the representation would be enough.

A11.6 If individuals wish to approach their local district councillor to ask them to represent their views, then care should be taken that the councillor is not part of the Licensing Sub-Committee dealing with the application. For most wards in North Hertfordshire, there is more than one elected representative who could represent the interested party’s views.

A11.7 Petitions will only be accepted by the Council if:

- (i) the full explanation of the reasons for the petition is printed at the top of each page;
- (ii) the explanation relates to the licensing objectives;
- (iii) the petition is received within the prescribed consultation period; and
- (iv) each person signing the petition includes their name, address and a signature.

Each entry on a petition will be considered against this criteria and any entry not meeting the criteria will be excluded.

A11.8 The Council will only correspond with the person submitting the original petition not with each individual signatory.

A11.9 The Council will advise a Licensing Sub-Committee in respect of the weight to apportion to a petition based on the individual merits of each case.

A11.10 The Council will not consider any representation that they deem to be frivolous, vexatious or that will certainly not influence the determination of the application. The Council will make its decisions on whether representations fall within these categories objectively and not based on any political judgement. Where representations are rejected, the person making the representation will be given a reason for the rejection in writing.

A11.11 The Council gives the term 'vexatious' its ordinary meaning as being repetitive, without foundation, or made for some other non-relevant reason such as malice, vindictiveness or business competitiveness. The Council may consider a representation vexatious for reasons such as, but not limited to:

- disputes between local businesses
- attempts to protect business by making representations against competitors
- the intention to cause aggravation or annoyance without reasonable cause or justification
- making the same or similar representation repeatedly without reasonable cause or justification (in effect, re-visiting the consideration of a previous representation where the person making the representation was not satisfied with the previous decision)

A11.12 The Council gives the term 'frivolous' its ordinary meaning. It may consider a representation frivolous for reasons such as, but not limited to:

- a lack of seriousness
- concerns raised are minor at most
- no remedial steps would be necessary or proportionate
- not related to the licensing objectives, the Commission's Guidance or this Statement of Licensing Principles

A11.13 The Council defines a representation as one that will 'certainly not influence the determination of the application' as one relating to issues that the Council cannot consider such as, but not limited to:

- demand or need for gambling facilities
- moral objections to gambling

A11.14 The Council suggests that representations should:

- be made in writing (hard copy or electronic submissions)
- indicate the name and address of the person or organisation making the representation (if representing other persons, state the names and addresses of those represented)
- indicate the premises to which the representation refers
- indicate the proximity of the premises to the person making the representation (including any likely customer travel routes)
- clearly state the reasons for the representation and the relevant licensing objective(s)

A12. Exchange of information

A12.1 Licensing authorities are required to include in their Statement of Principles the principles that the authority will apply in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Act with respect to the exchange of information between it and other persons listed in Schedule 6 of the Act.

A12.2 The principles applied by the Council are that:

- (i) it will act in accordance with the provisions of the Act;
- (ii) the Data Protection Act 2018 and General Data Protection Regulation 2016/679 will not be contravened;
- (iii) it will have regard to any Guidance issued by the Gambling Commission; and
- (iv) it will have regard to any relevant regulations issued by the Secretary of State under the powers provided in the Act.

A12.3 The Council may exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partner agencies in order to fulfil its statutory responsibility of reducing crime in North Hertfordshire.

A12.4 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details (names and full addresses) of persons making representations will be disclosed to applicants and will only be withheld from publicly available reports in exceptional circumstances on the grounds of personal safety. Email addresses and telephone numbers will not be disclosed to the applicant or published in publicly available reports.

A13. Enforcement and compliance

A13.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising its functions under Part 15 of the Act in respect of the inspection of premises. It also must state the principles to be applied in exercising its powers under section 346 of the Act about instituting criminal proceedings in respect of specified offences.

A13.2 The principles applied by the Council are that it will have regard to the Commission's Guidance and will endeavour to be:

- **Proportionate** Remedies will be necessary and appropriate to the risk posed, having regard to the costs involved which will be identified and minimised.

- **Accountable** Decisions will be justifiable and withstand public scrutiny.
- **Consistent** Rules and standards will be joined up and fairly implemented.
- **Transparent** Decisions will be made openly and regulations/licence conditions will be kept simple and user-friendly.
- **Targeted** Regulation will be focused on the specific problem with unintended side-effects minimised.

A13.3 In considering its responsibilities for enforcement action, the Council will also have regard to its Corporate Enforcement Policy which is available on the Council's website www.north-herts.gov.uk

A13.4 In accordance with the Commission's Guidance, the Council will endeavour to avoid duplication with other regulatory requirements. That said, where the Council becomes aware of matters relating to other statutory agencies, they are likely to bring them to the agency's attention.

A13.5 Where appropriate, a multi-agency approach to addressing concerns may be the most appropriate way of addressing the public's concerns.

A13.6 The Council has adopted and implemented a risk-based inspection programme based on the licensing objectives, relevant codes of practice, the Commission's Guidance and this Statement of Principles.

A13.7 The Council's main enforcement and compliance role 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 operating and personal licences. Concerns regarding the manufacture, supply or repair of gaming machines should be notified to the Gambling Commission.

A13.8 Risk assessments required under the Gambling Commission's Social Responsibility Code (see section A2.8) will form part of the licensing authority's inspection regime and may be requested when authorised officers are investigating allegations involving activities at or associated with the premises.

A14. Licensing authority functions

A14.1 The Act requires licensing authorities 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 by issuing club gaming permits and/or club gaming machine permits
- issue club gaming machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from premises licensed for the sale of alcohol under the Licensing Act 2003 for the use of two or fewer gaming machines
- issue licensed premises gaming machine permits for premises licensed under the Licensing Act 2003 to sell/supply alcohol for consumption on the licensed premises, where there are more than two gaming machines

- register small society lotteries below the prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission in respect of details of licences issued
- maintain registers of the permits and licences that are issued using these functions
- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities

A14.2 For the avoidance of any doubt, licensing authorities are not involved with the licensing of remote gambling which is regulated by the Gambling Commission.

A15. Local authority lottery

A15.1 The Act allows local authorities to offer a lottery to raise money for local causes.

A15.2 For transparency, local authority lotteries are administered and enforced by The Gambling Commission.

PART B: GENERAL CONSIDERATIONS

B1. General principles

- B1.1 Premises licences are subject to the requirements prescribed in the Act and regulations issued thereunder. The Secretary of State has also issued regulations detailing specific mandatory and default conditions that apply to premises licences. Licensing authorities can exclude default conditions and also attach others, where it is believed to be appropriate.
- B1.2 In order to help with promoting the licensing objectives, the Council will establish a close working relationship, where appropriate, with the responsible authorities, in particular Hertfordshire Constabulary and the Gambling Commission.
- B1.3 All applications will be considered on their own individual merit with due consideration of the specific locality of the premises and the likely impact on the licensing objectives. The Council will regulate gambling in the public interest, the same principle applied by the Gambling Commission.
- B1.4 Where young persons and other vulnerable persons are allowed access to premises providing gambling opportunities, the Council will take whatever steps it considers necessary, when relevant representations are received, to prevent them being at risk of physical, moral or psychological harm from gambling. Applicants are encouraged to propose their own restrictions on access to young and other vulnerable persons where there is a perceived risk.
- B1.5 In order to demonstrate to the licensing authority that applicants have fully considered the impact of their application on the locality and the licensing objectives, the licensing authority expects applicants to supply a comprehensive Local Area Risk Assessment (LARA) with all applications. The licensing authority acknowledges that a comprehensive, well-reasoned LARA may negate the need for licence conditions to address perceived problems where the perceptions have been satisfactorily assessed within the LARA.

B2. Definition of ‘premises’

B2.1 In the Act, premises are defined as including ‘any place’. By virtue of section 152 of the Act, only one premises licence can apply to any place.

B2.2 A single building could be subject to more than one premises licence, however, providing that they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. The Council is aware that this approach has been taken by other licensing authorities to allow large multiple use premises, such as piers or shopping centres, to obtain separate premises licences for individual units. In making its decisions in relation to the sub-division of a single building, the Council will ensure that the mandatory conditions in relation to access to and between premises are observed.

B2.3 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities (13 May 2021) at paragraphs 7.5 and 7.6 that:

7.5

In the Act, ‘premises’ is defined as including ‘any place’. S.152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not 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 reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

7.6

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 that 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 authority.

B2.4 The Council is aware of the statement in the Commission’s Guidance 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, the Council is aware that:

- (i) the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing them from taking part in gambling but also preventing them from being near gambling. Premises should be configured so that children are not invited to participate in, have accidental access to, or be able to closely observe gambling where they are prohibited from participation.
- (ii) 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.
- (iii) customers should be able to participate in the activity named on the premises licence.

B2.5 The Council supports the view that a single premises can be sub-divided into separate premises providing that the licensing objectives are met, and the mandatory conditions are strictly observed. Each application will be considered on its own merits and the discussions between the licensing officer and operator relating to the suitability of the sub-division are an essential part of this process. The Council will have regard to the Commission's Guidance on this issue.

B3. Premises 'ready for gambling'

B3.1 The Commission's Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building works or alterations required before the premises are brought into use.

B3.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

B3.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises the Council will determine applications on their own merits, applying a two-stage consideration process:

- (i) firstly, whether the premises ought to be permitted to be used for gambling; and
- (ii) secondly, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

B3.4 Applicants should note that whilst the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, it is not obliged to grant such a licence.

B4. Location

B4.1 The Council is fully aware that demand issues cannot be considered in respect of the location of proposed premises but that considerations in terms of the licensing objectives are relevant to its decision making.

B4.2 In accordance with the Commission's Guidance, the Council will pay attention to the protection of children and other vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

B4.3 The Council has no specific policy of excluding gambling premises from certain locations and has no current plans to implement such a policy. Each application will be determined on its own merits with the onus upon the applicant to demonstrate how any potential concerns can be overcome.

B5. Planning

B5.1 The Commission's Guidance states at paragraph 7.58:

"In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to

premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have the right to occupy them.”

The Council will not consider planning or other irrelevant matters in accordance with the above Guidance.

B5.2 Additionally, the Council will have regard to paragraph 7.65 of the Commission’s Guidance which states:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

B6. Duplication with other regulatory regimes

B6.1 The Council will seek to avoid any duplication with other statutory/regulatory systems wherever possible. On occasions, however, it may be the case that duplication is necessary to ensure compliance with the licensing objectives and/or mandatory conditions.

B6.2 The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its determination. It will, however, listen to, and carefully consider, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should this situation arise.

B6.3 When dealing with a premises licence application for finished buildings, the Council will not consider whether the building has to comply with any planning or building consent. Equally the Council will not consider fire or health and safety issues as these matters are dealt with under separate legislation.

B6.4 *Whilst not seeking to avoid duplication with other statutory/regulatory regimes, the Council recognises that this can be difficult for the public to understand, particularly when the Council has separate regulatory roles. In these instances, the Council will work with the public to address issues with the appropriate regulator.*

B7. Licensing objectives

B7.1 In order to grant a premises licence, the application must be reasonably consistent with the licensing objectives. The Council has considered the Commission’s Guidance on these objectives and would comment as follows.

B7.2 **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime**

B7.2.1 Anyone applying to the Council for a premises licence (except for track betting) will have to hold an operating licence issued by the Gambling Commission before a licence can be granted. The Gambling Commission play a leading role in preventing gambling from being linked to crime through a series of stringent licensing procedures aimed at preventing criminals from providing or benefitting from gambling facilities. For that reason, the Council will not ordinarily consider the applicant's suitability but are likely to raise any concerns in that respect directly with the Gambling Commission.

B7.2.2 The 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. Where an area is known for links to organised crime, the Council will carefully consider whether gambling premises are suitable to be located there and if so, whether there may be any suitable conditions, such as the provision of door supervisors, to prevent the premises from being linked to crime. The Council will work closely with the police in relation to any issues linked to organised crime and give appropriate weight to any representations made.

B7.2.3 The Council is aware of the distinction between disorder and nuisance and will consider appropriate factors (for example, whether police assistance was required and how threatening the behaviour was to those who could see it) to make that distinction. There are other existing legislative powers to deal with anti-social behaviour and nuisance and the Council will not consider matters such as parking issues or noise from the premises which can be dealt with using other powers. That said, if issues of disorder amount to activity that is more serious and disruptive than nuisance and it can be shown that gambling is the source of that disorder the Council will consider these issues as part of the licensing process.

B7.3 Ensuring that gambling is conducted in a fair and open way

B7.3.1 The Council acknowledges that the Gambling Commission does not ordinarily expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be regulated by means of operating and personal licences which are the responsibility of the Gambling Commission.

B7.3.2 Where the Council has any concerns in relation to the management of a gambling business (relevant to operating licences) or in relation to the suitability and actions of an individual with responsibility for a business (relevant to personal licences) it will bring those concerns to the attention of the Gambling Commission.

B7.3.3 The Council is aware that there is likely to be more of a role for the local authority in relation to a premises licence for a track because betting track operators do not need an operating licence from the Gambling Commission. Depending on the individual circumstances of the application the Council may impose licence conditions relating to the suitability of the environment in which betting takes place.

B7.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling

B7.4.1 The Council has noted the Commission's Guidance that states this objective means preventing children from taking part in gambling, as well as restricting advertising so that gambling products are not aimed at or are particularly attractive to children. Apart from limited exceptions, children and young persons should be prevented from entering gambling premises; where access is permitted there should be enough measures to ensure that persons under eighteen (18) years of age do not have access to adult gaming machine areas.

B7.4.2 The Council will expect applicants to take steps to prevent children and other vulnerable persons from taking part in, or being near, gambling especially in areas with high rates of truancy and/or unemployment. Where applicants do not offer suitable controls in relation to this licensing objective the Council is likely to impose conditions addressing any concerns raised in representations.

B7.4.3 Consideration will be given as to whether specific measures are needed at particular premises in respect of this licensing objective. In addressing this objective, the Council may consider imposing conditions in relation to issues such as, but not limited to:

- closed circuit television (CCTV) systems
- door supervisors
- proof of age schemes
- supervision of entrances and/or adult gaming machine areas
- physical separation of areas
- location of entry points
- signage
- restricted opening times
- provision of information leaflets/telephone numbers for organisations such as GamCare
- staff training in respect of customer vulnerability

Applicants should be aware that this list is neither mandatory nor exhaustive and that each application will be considered on its own individual merits.

B7.4.4 When considering whether specific measures are necessary to protect children and other vulnerable persons the Council will balance its considerations against the overall principle of permitting the use of premises for gambling.

B7.4.5 The Council is aware that the Gambling Commission does not seek to offer a definition of the term '*vulnerable person*' but states that:

"it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balance decisions about gambling due to a mental impairment, alcohol or drugs".

The Council will consider the definition of vulnerable person on a case by case basis considering the individual circumstances of each application.

B8. Licence conditions

B8.1 Mandatory conditions

B8.1.1 Mandatory conditions may be attached to premises licences by the Secretary of State under section 167 of the Act. They can either be attached generally to all premises licences, to all premises licences of a specific type, or to a specific type of premises licence under certain circumstances.

B8.1.2 The Council are aware that once mandatory conditions are attached to a premises licence they can only be removed by further regulations from the Secretary of State; the Council has no discretion to decide not to include them or to modify them.

B8.2 Default conditions

B8.2.1 The Secretary of State has a further power under section 168 of the Act to specify default licence conditions that may be attached to premises licences. Default conditions are most appropriate where the Secretary of State considers a general industry or sector wide approach is desirable in order to assist with national consistency but where licensing authorities have discretion to respond to local circumstances where necessary.

B8.2.2 The Council is aware that section 169 of the Act gives licensing authorities the ability to exclude any default condition imposed under section 168 from a premises licence. As default conditions are the national industry standard, the Council will only remove them where appropriate having regard to any Codes of Practice and/or Guidance issued by the Gambling Commission, the licensing objectives and this Statement of Principles.

B8.2.3 The Council expects applicants seeking to remove or amend default conditions to demonstrate that there will be no risk to the licensing objectives or this Statement of Principles if any conditions are removed or amended.

B8.3 Conditions attached by the Council

B8.3.1 The Council is aware that there are conditions which a 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
- conditions in relation to stakes, fees, winning or prizes.

B8.3.2 Any conditions attached to premises licences the Council will be proportionate and:

- relevant to the need to ensure the premises are suitable to provide gambling facilities
- directly related to the premises (including the locality and any identifiable local risks) and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other aspects

B8.3.3 All decisions relating to the attaching of conditions will **be** made on a case by case basis in relation to the individual merits of the application. The Council will expect the applicant to offer **their** own suggestions as to the way in which the licensing objectives can be met effectively. The Council may, however, exclude a condition and/or substitute it with one that is either more or less restrictive; in such cases, the Council will give clear and regulatory reasons for their decision.

B8.3.4 The Council may also consider specific measures which may be required for buildings which are sub-divided and subject to more than one premises licence. Such measures may include, but are not limited to:

- supervision of entrances and/or gaming machine areas
- segregation of different premises
- segregation of non-gambling areas frequented by children from gambling areas

B8.3.5 The Council will ensure that where category C or above gaming machines are made available in premises to which children are admitted:

- all such machines are 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 to ensure children are denied access
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder, either within direct line of sight or by monitoring closed-circuit television
- at the entrance to and inside any such areas, there are prominently displayed notices indicating that access to the area is prohibited to any person less than eighteen (18) years of age.

B8.3.6 The Council is aware that tracks may be subject to one or more premises licence provided that each licence relates to a specified area of the track. In accordance with the Commission's Guidance, the Council 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.

B8.4 Door supervisors

B8.4.1 The Commission's Guidance advises that if a licensing authority is concerned that gambling premises may attract disorder, may become a source of crime, may be subject to attempts at unauthorised access by children or young persons, or that it is in an area with other vulnerable persons then it may require that the entrances to the premises are controlled by a door supervisor and a licensing authority would be entitled to impose a condition on a premises licence to this effect.

B8.4.2 The Council is not aware of any evidence that the operation of gambling premises ordinarily requires door supervisors for the protection of the public. A condition requiring door supervisors will only be attached if there is clear evidence from the history of trading at the premises that adequate supervision cannot be undertaken by counter staff or there is a clear risk to the licensing objectives at new premises. Under all circumstances, a condition requiring door supervision will only be attached where it is both a necessary and proportionate measure in relation to the licensing objectives.

B8.4.3 Where it is decided to impose a condition requiring door supervision, a consideration of whether the door supervisors would need to be Security Industry Authority (SIA) registered should be made. It will not be automatically assumed that door supervisors need to be licensed as the statutory requirements for different types of premises vary. That said, the Council is strongly of the view, however, that door supervisors or security staff who are employed at gambling premises should be licensed by the SIA.

B9. Hearings

B9.1 A Licensing Sub-Committee hearing will be arranged to deal with any application that cannot be dealt with under delegated powers or otherwise resolved by agreement between the applicant and responsible authorities and/or interested parties.

B9.2 The Licensing Sub-Committee will be convened on the earliest possible date, having regard to legislative requirements, and will conduct a quasi-judicial consideration of the application and representations.

B9.3 The Council may attach conditions to premises licences where relevant representations are received. Any condition attached to a premises licence must relate to one or more of the licensing objectives and will not ordinarily relate to matters that are subject to other existing legislative requirements.

B9.4 Where an interested party has made a relevant representation about a licensed premises the licensing authority will, where appropriate, seek to arrange mediation meetings to clarify and address the issues of concern. This process will not override the right of any interested party or licence holder to decline to participate in such mediation.

B10. Review of licences

B10.1 Requests for a review of a premises licence can be made by interested parties and/or responsible authorities however it is for the Council to decide whether the review is to be carried out. This will be decided based on whether the gambling at the premises is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- putting compliance with the licensing objectives at risk
- in accordance with this Statement of Principles
- Being carried on in accordance with the conditions attached to the authorisation

B10.2 The request for the review will also be subject to consideration by the Council as to whether the request is:

- frivolous
- vexatious
- whether it will certainly not cause the Council to alter/revoke/suspend the licence
- whether it is substantially the same as previous representations or requests for review.

B10.3 The Council 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. Consideration of the need for a review will have regard to the principles set out in section 153 of the Gambling Act 2005 in respect of reasonable concerns such as, but not limited to, changes to the locality or complaints received.

B10.4 Once a valid application for a review has been received by the Council representations can be made by responsible authorities and interested parties during a twenty-eight day period beginning seven days after the application was received by the Council who will publish a notice of the application within seven days of receipt.

B10.5 The Council will carry out the review as soon as practicable after the twenty-eight day period for making representations has passed.

B10.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is necessary, the options available to the Council are:

- (i) add, remove or amend a licence condition imposed by the licensing authority;
- (ii) exclude a default condition imposed by the Secretary of State (for example, opening hours), or remove or amend such an exclusion;
- (iii) suspend the premises licence for a period not exceeding three months; or
- (iv) revoke the premises licence.

- B10.7 In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- B10.8 The Council 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.
- B10.9 Once the review has been completed, the Council must, as soon as practicable, notify its decision to:
- the licence holder
 - the applicant for review and any person who made representations
 - the Gambling Commission
 - the Chief Officer of Hertfordshire Constabulary
 - Her Majesty's Commissioners for Revenues and Customs

B11. Protecting children, young people and adults at risk (safeguarding)

B11.1 The Council strongly believes that all licensed premises have a responsibility to ensure that safeguarding is a key priority for all businesses in respect of staff, customers and any person in the vicinity of the premises.

B11.2 All business owners and management should sufficiently understand safeguarding matters including, but not limited to:

- gangs and knife crime
- county lines
- modern day slavery
- child sexual exploitation
- supply, distribution or taking of illegal substances

to enable them to spot warning signs of any safeguarding matter and know who to report it to. Information and training materials can be found on the websites of Hertfordshire County Council and Hertfordshire Police.

B11.3 Applicants and licence holders are encouraged to ensure that suitable management controls are in place to address potential safeguarding concerns. Measures could include, but would not be limited to:

- awareness training for staff, including indicators to look out for;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police;
- implementing suitable safeguarding policies and procedures

B11.4 Section B12 of this policy deals specifically with protection of children from child sexual exploitation

B12. Safeguarding against child sexual exploitation (CSE)

B12.1. The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises.

Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

B12.2 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- awareness training for staff;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police.

B12.3 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- children regularly attending premises and meeting with several different older persons, particularly where older persons may be facilitating gambling for children
- children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children
- children leaving the locality of the premises with older persons, particularly with a group of older persons
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons

As children are not permitted on most gambling premises, these risk indicators are likely to be associated with children outside or adjacent to gambling premises where the premises is being used as a meeting point.

B12.4 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

B12.5 The Hertfordshire Safeguarding Children Board (HSCB) have dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function. The HSCB also monitor compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice www.hertssafeguarding.org.uk

B12.6 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the local risk assessment.

B13. Environmental considerations

B13.1 Whilst the Council acknowledges that protection of the environment is not a licensing objective therefore not a relevant consideration in the decision-making process, it has declared a climate emergency and expects applicants to make every effort to protect the environment.

B13.2 Matters that applicants/licence holders could promote to protect the environment include, but are not limited to:

- avoiding single use plastic cups if providing drinks to customers
- avoiding the use of plastic pen for completing betting slips

- consideration of the building's carbon footprint
- company policies on environmental issues

B14. Public health and gambling

- B14.1 The Council agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- B14.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as a result of their gambling and these people's problems are often undetected.
- B14.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.
- B14.4 There can also be considerable negative effects experienced by the wider group of people around a problem gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.
- B14.5 While a causal link has not been determined, gambling (be it casual, regular, or problem) [has been shown](#) to be related to a statistically significant increase in the risk of violence and domestic abuse.
- B14.6 The Council considers that public health teams, whilst not a statutory responsible authority under the Act, can still assist the Council to address problem gambling-related harms in its district, specifically in relation to the licensing objective of 'protecting children and other vulnerable persons from being harmed by gambling'. This will be particularly relevant as part of any licence review relating to vulnerable persons.
- B14.7 The Council will therefore engage with the local public health team in the further development of this Statement of Principles and the Local Area Profile. The public health team should, where appropriate, be able to assist with matters including, but not limited to:
- identifying and interpreting health data and evidence to inform the review of the Statement and develop a locally tailored local area profile
 - making decisions that benefit and protect the health and wellbeing of the district
 - conducting a health-impact assessment of gambling in the district or assessing any existing data

PART C: PREMISES LICENCES APPLICATIONS

C1. Adult Gaming Centres (AGC)

- C1.1 The Council will have specific 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 eighteen year olds do not have access to the premises.
- C1.2 The Council may consider measures, where necessary to meet the licensing objectives, including but not limited to:
- proof of age schemes (for example, PASS accredited schemes such as Validate)
 - CCTV

- supervision of entrances and/or gaming machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- staff training
- self-exclusion schemes
- provision of information leaflets and/or helpline telephone numbers for organisations such as GamCare

C2. (Licensed) Family Entertainment Centres (FEC)

C2.1 The Council will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under eighteen year olds do not have access to the adult only gaming machine areas.

C2.2 The Council may consider measures, where necessary to meet the licensing objectives, including but not limited to:

- CCTV
- supervision of entrances and/or gaming machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- self-exclusion schemes
- measures/training for staff on how to deal with suspected truant school children on the premises and similar vulnerable persons training
- provision of information leaflets and/or helpline telephone numbers for organisations such as GamCare

C2.3 The Council will have regard to the Gambling Commission's website in respect of any conditions, including mandatory and/or default conditions, which apply to operating licences covering the way in which the area containing the category C machines should be delineated.

C3. Casinos

C3.1 The Council did not pass a '*no casino*' resolution under section 166 of the Act, although it was aware that it had the power to do so. The Council did not bid for one of the sixteen new casino licences that the Government permitted under the Act therefore no new casino applications can be granted in North Hertfordshire.

C4. Bingo premises

C4.1 The Council are aware that bingo constitutes equal chance gaming and is permitted in alcohol licensed premises and in clubs under restricted thresholds otherwise it will be subject to a bingo operating licence administered and regulated by the Gambling Commission. Premises providing commercial bingo will need a bingo premises licence from the Council.

C4.2 Amusement arcades providing prize bingo will need a prize gaming permit from the Council.

C4.3 Where children can enter premises providing bingo under a premises licence or prize gaming permit, it is important that they are not allowed to participate in any bingo gaming other than on a category D gaming machine. When considering applications of this type, the Council will consider matters such as but not limited to:

- the location of the games or machines
- access to areas providing bingo
- supervisory requirements for different parts of the premises
- the displaying of suitable notices in relation to age restricted areas and gaming

C4.4 Where a premises licence permitting bingo exists, gaming machines may be made available (subject to prescribed limits). Where any gaming machines other than category D are made available on premises where children are permitted access, the Council will have sought to ensure that:

- (i) all gaming machines other than category D are in a separated part of the premises controlled by physical barriers preventing access other than through a designated entrance point;
- (ii) only persons eighteen years of age or above are admitted to the separated gaming machine area;
- (iii) the designated entrance point to the gaming machine area is supervised;
- (iv) the gaming machine area is designed and located so that it can be continually observed by staff employed by the premises licence holder; and
- (v) at the entrance to and within the gaming machine area, there are prominent notices displayed indicating that access to the area is prohibited to persons less than eighteen years of age.

C4.5 The Council will have regard to paragraph 18.5 of the Commission's Guidance which states:

“Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”

C4.6 The Council will also have regard to the Commission's Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of pre-existing premises into two or more adjacent premises might be permitted; in particular, that it is not permissible for each individual licensed premises' machine entitlement to be located together in one of the licensed premises.

C5. Betting premises

C5.1 The Council is aware that it has the power to restrict the number of betting machines that are made available in licensed betting premises. In accordance with the Commission's Guidance, the Council will 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 other vulnerable people when considering the number/nature/circumstances of betting machines permitted in licensed betting premises. The Council acknowledges that it cannot restrict the number of gaming machines which is an automatic entitlement under the Act.

C5.2 The Council recognises that some of the major betting shop providers have several premises within North Hertfordshire. In order to facilitate early resolution of any emerging enforcement issues, the Council recommends that operators provide a single point of contact for enforcement or compliance issues. This person should be of sufficient seniority within the organisation to ensure that the Council's concerns are addressed at the earliest opportunity.

C6. Tracks

C6.1 General

C6.1.1 The Council is aware that tracks (sites where races or other sporting events take place) may be subject to one or more premises licences, provided each licence relates to specified area of the track. In accordance with the Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) 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.

C6.1.2 The Council will expect 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.

C6.1.3 The Council may consider measures, where necessary to meet the licensing objectives, including but not limited to:

- proof of age schemes (for example, PASS accredited schemes such as Validate)
- CCTV
- supervision of entrances and/or gaming machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets and/or helpline telephone numbers for organisations such as GamCare

C6.1.4 The Council are aware that tracks are different from other licensed premises in so far that the track operator may not be required to hold an operating licence from the Gambling Commission as there may be several premises licence holders at the track each of whom will need to hold their own operating licence. The Council will have regard to any Guidance issued by the Gambling Commission in this respect

C6.1.5 The Council is of the view that it would be preferable for all self-contained premises at a track operated by a betting operator to be subject to a separate premises licence. This would ensure clarity between the responsibilities of the track operator and the individual betting operators on the track.

C6.1.6 The Council will attach a condition to track betting premises licences requiring the track operator to ensure that the betting rules are predominately displayed in or near each betting area, or that other measures are taken to ensure that they are made available to the public

such as being printed in the race card.

C6.2 Gaming machines

C6.2.1 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.

C6.2.2 The Council are aware that it has a power to restrict the number of betting machines at a track. In accordance with the Commission's Guidance, the Council will 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, or vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

C6.3 Applications and plans

C6.3.1 The Act requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity. Plans for tracks do not need to be in a specific scale, but the Council requires them to be drawn to scale and should be sufficiently detailed to include the information required by Regulations.

C6.3.2 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. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be 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 of the premises does not need to be defined.

C6.3.3 The Council 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 supply sufficient information so that the Council can satisfy itself that the plan indicates the main areas where betting might take place.

C7. Travelling Fairs

C7.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Council is responsible for deciding whether the statutory requirement is met that the facilities for gambling amount to no more than ancillary amusement at the fair. The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

C7.2 The Council is aware that the twenty-seven day statutory maximum period for 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. Where fairs are held on land which crosses our boundaries, the council will work with neighbouring authorities to ensure that statutory limits are not exceeded.

C8. Provisional Statements

C8.1 The Council encourages developers to apply for provisional statements before entering into contracts 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 requirement for the applicant to hold an operating licence (except in the case of a track) or a right to occupy the land in order to apply for a provisional statement. Section 204 of the Act provides for a person to make an application to the Council for a provisional statement in respect of premises that **they**:

- (i) expect to be constructed;
- (ii) expect to be altered; or
- (iii) expect to acquire a right to occupy

C8.2 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant must 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. The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council 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 responsible authorities or interested parties can be taken into account unless:

- (i) they concern matters which could not have been addressed at the provisional statement stage; or
- (ii) they reflect a change in the applicant's circumstances.

C8.3 The Council is aware that it may refuse the subsequent premises licence, or grant it on terms different to those attached to the provisional statement, only by reference to matters:

- (i) which could not have been raised by objectors at the provisional statement stage;
- (ii) which in the Council's opinion reflect a change in the operator's circumstances; or
- (iii) where the premises have not been constructed in accordance with the plan submitted with the application. The Council acknowledges that this must be a substantial change to the plan, and it may discuss any concerns it has with the applicant before deciding.

PART D: PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

D1. Unlicensed Family Entertainment Centre Gaming Machine Permits (uFEC)

D1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Council 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; other usage is likely to result in the application being refused.

D1.2 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 Gambling Commission under section 25 of the Act. The Commission's Guidance states at paragraph 24.8:

“In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted. “

D1.3 The Commission's Guidance states at paragraph 24.9:

“The licensing authority can grant or refuse an application for a permit, but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application..... The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's*
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)*
- that employees are trained to have a full understanding of the maximum stakes and prizes”*

The Council will have regard to this paragraph of the Commission's Guidance to ensure that it is satisfied as to the applicant's suitability before granting a permit.

D1.4 The Council expects the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their own merits however they may include appropriate measures such as but not limited to:

- training for staff as regards suspected truant school children on the premises
- training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on/around the premises
- background checks on staff

D1.5 The Council expects applicants to demonstrate:

- a full understanding of the maximum stakes and prizes in relation to gambling that is permitted in unlicensed FECs
- that the applicant has no relevant convictions as defined within the Act
- that staff are suitably trained and have a full understanding of the maximum stakes and prizes
- an awareness of local educational establishments' holiday times
- an awareness of how to notify the local education authority of any truants

D1.6 Compliance with the Code of Practice for FECs issued by the British Amusement Catering Association (BACTA), or any similar trade association codes, may be accepted by the Council as evidence that, save for the criminal convictions criteria, the applicant has met the requirements of paragraph D1.5.

D1.7 Applicants must submit with their application a plan of the premises to a scale of 1:100, showing the entrances/exits to the premises, location of gaming machines, and the location of safety equipment such as firefighting equipment.

D1.8 The Council may refuse an application for renewal of a permit only on the grounds that:

- (i) an authorised officer of the Council has been refused access to the premises without reasonable excuse, or
- (ii) renewal would not be reasonably consistent with the pursuit of the licensing objectives

D2. (Alcohol) Licensed Premises Gaming Machine Permits

D2.1 Automatic entitlement to two machines

2.1.1 The Act provides for premises licensed to sell alcohol for consumption on the premises to have an automatic entitlement to two gaming machines of categories C and/or D. The premises merely need to notify the Council of their intention to utilise this entitlement.

2.1.2 Under section 284 of the Act, the Council can remove the automatic entitlement in respect of any premises if:

- (i) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- (ii) gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- (iii) the premises are mainly used for gaming; or
- (iv) an offence under the Act has been committed on the premises.

Should the Council deem it necessary to remove the automatic entitlement, the licence holder will be given a minimum of twenty-one days' notice of the intention to make the section 284 Order. Before making the Order, the Council will consider any representations received and hold a hearing if requested by the licence holder.

D2.2 Permit for three or more machines

D2.2.1 If a premises wishes to have more than two machines, it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005, and '*such matters as they think relevant*'.

D2.2.2 The Council considers that '*such matters as they think relevant*' 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 being harmed or exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under eighteen year olds do not have access to the adult only gaming machines. The Council may consider whether access to children to the premises is restricted by way of the Licensing Act 2003.

D2.2.3 Measures which will satisfy the Council that there will be no access may include the gaming machines being in sight of the bar counter, or in the sight of staff who monitor that the machines are not being used by those persons under eighteen years of age. Notices and signage may also be of assistance. In respect of the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

D2.2.4 The Council expects an application to be accompanied by a plan indicating what type of gaming machines are to be provided and where they are to be located. In the absence of a plan, the Council may choose to defer the application until such time as a plan is received.

D2.2.5 The Council recognises that some alcohol licensed premises may apply for a permit for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with as an adult gaming centre premises licence.

D2.2.6 Applicants should be aware that the Council can decide to grant the application with a smaller number of machines and/or a different machine category than that applied for; however, conditions cannot be attached to a permit.

D2.2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission in respect of the location and/or operation of the machines.

D3. Prize Gaming Permits

D3.1 Prize gaming may be provided in licensed bingo premises as an entitlement of their bingo operating licence. Any type of prize gaming may be provided in licensed adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young persons may participate in equal chance gaming only.

D3.2 The Act states that a licensing authority may prepare a statement of principles that they propose to apply in exercising their functions which *'may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit.'*

D3.3 The Council considers that such matters will be decided on a case by case basis but ordinarily there will be regard to the need to protect children and other vulnerable persons from harm or being exploited by gambling. The applicant should set out the types of gaming that **they are** intending to offer and should be able to demonstrate that:

- (i) they understand the limits to stakes and prizes that are set out in the Regulations;
- (ii) the gaming offered is within the law; and
- (iii) they have clear and robust policies that outline the steps to be taken to protect children and other vulnerable persons from harm.

In making its decision on an application for this permit, the Council does not need to, but may, have regard to the licensing objectives, but must have regard to the Commission's Guidance.

D3.4 The Council expects the application to be accompanied by a plan indicating what types of prize gaming is to be provided and where it is to be provided on the premises. In the absence of a plan, the Council may choose to defer the application until such time as a plan is received.

D3.5 Applicants should be aware that there are conditions prescribed in the Act with which the permit holder must comply but that the Council cannot attach other conditions. The conditions prescribed by the Act are:

- (i) the limits on participation fees, as defined in Regulations, must be complied with;
- (ii) 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
 - the result of the game must be made public in the premises on the day that it is played;
- (iii) the prize for which the game is played must not exceed the amount prescribed in Regulations (if a money prize), or the prescribed value (if a non-monetary prize); and
- (iv) participation in the gaming must not entitle the player to take part in any other gambling.

D3.6 Applications may only be made by persons who occupy or plan to occupy the premises, are aged eighteen years or over and where no premises licence or club gaming permit under the Act are in force.

D4. Club Gaming and Club Gaming Machine Permits

D4.1 Members' clubs and miners' welfare institutes, but not commercial clubs, may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide a maximum of three gaming machines (categories B, C or D), equal chance gaming and games of chance as prescribed in Regulations.

Members clubs, miners' welfare institutes and commercial clubs may apply for a Club Gaming Machine Permit. A Club Gaming Machine Permit will enable the premises to provide a maximum of three gaming machines (categories B, C or D), however, commercial clubs may not site category B3A gaming machines offering lottery games in their club.

D4.2 Members' clubs

D4.2.1 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. They must be established and conducted wholly or mainly for purposes other than gaming (other than bridge and whist), permanent in nature and consist of a minimum of twenty-five members. There is no requirement for a club to have an alcohol licence. Examples include but are not limited to:

- working men's clubs
- branches of the Royal British Legion
- clubs with political affiliations

D4.3 Miners' welfare institutes

D4.3.1 A miners' welfare institute is an association established for recreational or social purposes, managed by representatives of miners or using premises regulated by a charitable trust which has received funds from a mining organisation.

D4.4 Commercial clubs

D4.4.1 A commercial club is a club established for commercial gain, irrespective of whether or not they are making a commercial gain. Examples include but are not limited to:

- snooker clubs
- clubs established as private companies
- clubs established for personal profit

D4.5 The Council will have regard to paragraphs 25.46 – 25.49 inclusive of the Commission's Guidance when determining whether a club meets the statutory qualifying requirements. Matters that may be considered include but are not limited to:

- the club's constitution
- frequency of gaming
- the club's primary purpose
- arrangements for guests
- whether the club's profits are retained for the benefit of members

The Council acknowledges that the club must be conducted wholly or mainly for purposes other than gaming, except for bridge and whist which are covered by separate regulations.

D4.6 The Commission's Guidance states that licensing authorities may only refuse an application on one or more of the following grounds:

- (i) 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;
- (ii) the applicant's premises are used wholly or mainly by children and/or young persons;
- (iii) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (iv) a permit held by the applicant has been cancelled in the previous ten years; or
- (v) an objection has been lodged by the Gambling Commission or the Police.

D4.7 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police and there are reduced grounds upon which the Council can refuse the application. The grounds on which an application under this process may be refused are:

- (i) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (ii) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (iii) that a club gaming permit or club gaming machine permit issued to the applicant in the last ten years has been cancelled.

D4.8 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.

D5. Small Society Lotteries

D5.1 Under the Act, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. The Council will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- (i) licensed lotteries (requiring an operating licence from the Gambling Commission);
or
- (ii) exempt lotteries (including small society lotteries registered with the Council)

D5.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- small society lotteries
- incidental non-commercial lotteries
- private lotteries
- private society lottery
- work lottery
- residents' lottery
- customers' lottery

Advice regarding the definitions of an exempt lottery is available from the Gambling Commission's website.

D5.3 Applicants for registration of small society lotteries must apply to the licensing authority in the area in which their principal office is located. The Council will not register a lottery where the principal office is not located within North Hertfordshire.

D5.4 Lotteries will be regulated through a licensing and registration scheme with conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions regarding small society and exempt lotteries, the Council will have due regard to the Commission's Guidance.

D5.5 The Council may refuse an application for a small society lottery 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 as defined in Section 353 of the Act
- information provided in or with the application for registration is false or misleading

In assessing whether a society meets the requirement of being non-commercial, the Council will have regard to the non-submission of annual lottery returns as part of the renewal process. Failure to submit a return may be considered as evidence that the society does not meet the necessary criteria.

D5.6 The Council is likely to 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. No revocations will take place unless the society has been given the opportunity to make representations.

D6. Temporary Use Notices (TUNs)

D6.1 TUNs 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 TUN, according to the Gambling Commission, would include premises such as but not limited to:

- hotels
- conference centres
- sporting venues

D6.2 A TUN may only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner. That said, there can be more than one competition with a single winner held at an event covered by a TUN. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine.

- D6.3 Equal chance gaming is defined by the Secretary of State as gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples include games such as backgammon, dominoes, cribbage, bingo and poker.
- D6.4 The Council can only grant a TUN to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- D6.5 In respect of TUNs, the Act refers to a set of premises rather than individual premises in order that a premises such as a large conference centre cannot provide regular gaming by applying for TUNs in respect of individual areas within the building. The Council will consider the definition of a set of premises on a case by case basis having regard to the specific circumstances of the application. In considering whether a place falls within the definition of 'a set of premises', the Council will look at, amongst other things, the ownership/occupation and control of the premises.
- D6.6 The Council will ordinarily object to TUNs where it appears that their effect would be to permit regular gambling in a series of places that could be described collectively as one set of premises.

D7. Occasional Use Notices (OUNs)

- D7.1 OUNs permit the provision of betting facilities at tracks without the need for a premises licence, providing the betting is offered on no more than eight days within a calendar year. The track does not need to be a permanent racecourse however races or sporting events must be taking place at the track during the OUN. The intention behind OUNs is to permit licensed betting operators to use tracks for short periods for conducting betting where the event is of a temporary nature, for example point-to-point meetings on agricultural land.
- D7.2 The Council has very little discretion as regards OUNs other than ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Council will consider the definition of a 'track' and whether the applicant is permitted to avail **themselves** of the notice on a case by case basis in line with the Commission's Guidance.

PART E: DELEGATION

E1. Licensing Sub-Committee Membership

- E1.1 If it is established during a hearing that a member of the sub-committee has a Prejudicial or Disclosable Pecuniary Interest, that councillor will not participate any further in the hearing or take part in the determination of the application.
- E1.2 A licensing sub-committee will adjourn a hearing and refer the matter to another licensing sub-committee where it is unable to deal with an application because one or more of its members are unable to take part in the determination due to a Prejudicial or Disclosable Pecuniary Interest.
- E1.3 If a member of a sub-committee becomes unwell or otherwise unable to continue during a hearing or determination, the sub-committee will adjourn the hearing until a specified date when all three sub-committee members can continue the hearing.
- E1.4 If a member of a sub-committee must leave the hearing temporarily, the hearing will be adjourned until such time as the absent member returns.

E1.5 If a member of a sub-committee has been present throughout the hearing and the determination but has to leave prior to the formal giving of the decision, the sub-committee chair will advise all parties of this fact. All members of a sub-committee must sign the formal decision notice to signify their full participation in the hearing and determination and confirm that the decision notice is an accurate reflection of the sub-committee's decision.

E2. Delegation of Function

E2.1 The act provides that the functions of the licensing authority are to be taken or carried out by its licensing committee. The licensing committee may delegate these functions to sub-committees and/or officers of the licensing authority except for the adoption of the statement of licensing principles and a 'no casino' resolution which are both reserved for the full council.

E2.2 The licensing committee has further delegated licensing functions as follows:

Matter to be dealt with	Full Council	Licensing Sub-Committee (3 Councillors)	Officers
Three year statement of licensing principles	All cases		
'No casino' resolution	All cases		
Fee setting (where applicable)			All cases
Application for premises licences		Where representations have been received and not withdrawn	Where no representations have been received or all representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received or all representations have been withdrawn
Application for a reinstatement of a premises licence		Where representations have been received and not withdrawn	Where no representations have been received or all representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations have been received from the Commission or responsible authority
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or all representations have been withdrawn
Review of a premises licence		All cases	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections have been made or all objections have been withdrawn
Cancellation of club gaming/club machine permits		All cases	
Applications for all other permits			All cases

Matter to be dealt with	Full Council	Licensing Sub-Committee (3 Councillors)	Officers
Removal of the automatic gaming exemption for alcohol licensed premises			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use or occasional use notices			All cases
Decision to give a counter notice to a temporary use notice		All cases	
Registration of small society lotteries			All cases

PART F: MISCELLANEOUS

F1. Relationship to other Statutory Duties

F1.1 The Council accepts that it should aim to permit the use of premises for gambling, subject to the provisions of paragraph A1.2 of this Statement of Principles, when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:

- (i) Crime and Disorder Act 1998
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.
- (ii) Human Rights Act 1998
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.
- (iii) Equality Act 2010
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.

F2. Without Prejudice

F2.1 Any premises licence or permit granted by the Council relates solely to the provisions of the Gambling Act 2005 and considerations related thereto.

F2.2 Any licence/permit is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/permit under the Act does not supersede or replace any other statutory provision.

F3. Role of Councillors

F3.1 The Council believes that local councillors play a vital role in representing and supporting their local communities and may act on behalf of people affected by licence applications. To

assist councillors in representing their communities, local ward councillors will be advised of applications in their wards that are open to public consultation.

- F3.2 Affected persons may choose to be represented at a licensing hearing by their local councillor who can speak on their behalf, providing the affected person has made a representation. Equally, a local councillor can make a representation on behalf of the community that **they** represent.
- F3.3 Councillors with a Disclosable Pecuniary Interest or Declarable Interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence but must withdraw from the meeting immediately afterwards.
- F3.4 Any representation from a local councillor, whether in **their** own right or on behalf of the community, will be considered and apportioned weight in the same way as any other representation. Additional weight will not be given for the sole reason of being a local councillor or a member of the licensing committee.

F4. Application Forms

- F3.1 Application forms, details of application fees and further guidance on the application process can be obtained from the Council's website www.north-herts.gov.uk or on the Gambling Commission's website www.gamblingcommission.gov.uk

F5. Mediation

- F5.1 Where practicable, the Council will try to mediate between any person or authority making a representation and the applicant to see if the concerns can be addressed prior to the hearing (this mediation could start as soon as the first representation is received during the consultation period).
- F5.2 Any attempts at mediation will be brought to the attention of the licensing sub-committee who is entitled to consider that as part of its determination.

F6. Representations in the public domain

- F6.1 The Council acknowledges that it is a statutory requirement to supply copies of representations to applicants in order that they have the opportunity to consider their response. The name and address of the person making the representation will not be withheld from the applicant however email addresses and telephone numbers will be deleted.
- F6.2 Representations, including names and addresses, are included in the reports considered by licensing sub-committees which are publicly available documents.
- F6.3 In exceptional cases, the Council may consider that a person making a representation has a genuine fear of intimidation if their name and/or address were made available to the applicant or in the public domain. Ordinarily, the Council would only make such a judgement on advice from the police. In these circumstances the Council will consider an alternative approach to safeguard the person(s) making the representations.

F7. Petitions

- F7.1 Petitions will only be accepted by the Council if:
- (i) the full explanation of the reasons for the petition is printed at the top of each page;
 - (ii) the explanation relates to the licensing objectives;

- (iii) the petition is received within the prescribed consultation period; and
- (iv) each person signing the petition includes their name, address and a signature.

Each entry on a petition will be considered against these criteria and any entry not meeting the criteria will be excluded.

F7.2 The Council will only correspond with the person submitting the original petition not with each individual signatory.

F7.3 The Council will advise a licensing sub-committee in respect of the weight to apportion to a petition based on the individual merits of each case.

F8. Assistance and Advice

F8.1 For further assistance, please contact:
Licensing, North Hertfordshire District Council, P O Box 10613, Nottingham, NG6 6DW
01462 474000 or licensing@north-herts.gov.uk

PART G: GLOSSARY

the Act	the Gambling Act 2005
the Council	North Hertfordshire District Council acting as the licensing authority
the Commission’s Guidance	Guidance to Licensing Authorities issued by the Gambling Commission pursuant to section 25 of the Gambling Act 2005
the Order	the Regulatory Reform (Fire Safety) Order 2005
the Policy	North Hertfordshire District Council’s Statement of Licensing Policy
AGC	adult gaming centre
BACTA	British Amusement Catering Trade Association
CCTV	closed-circuit television
CSE	child sexual exploitation
FEC	(licensed) family entertainment centre
HSCB	Hertfordshire Safeguarding Children Board
OUN	occasional use notice
PASS	The National Proof of Age Standards Scheme
SIA	Security Industry Authority
TUN	temporary use notice
uFEC	(unlicensed) family entertainment centre

Appendix A

Local Area Profile

A1 Overview

- A1.1 Located less than forty miles north from central London, North Hertfordshire is a predominantly rural district and contains interesting market towns and numerous picturesque villages and hamlets. It is an attractive area in which to live and work and has a wide variety of attractions including museums and galleries, historic markets, parks and areas of natural beauty.
- A1.2 The district was formed in 1974 combining the former Urban Districts of Hitchin, Letchworth, Baldock and Royston with Hitchin Rural District. In addition to this, North Hertfordshire now includes a significant part of the Great Ashby development, north-east of Stevenage. It occupies the low chalk hills of the north-eastern Chilterns, extending north into the Bedfordshire and Cambridgeshire plain around Ashwell and Hinxworth, and south to the valley of the River Lea around Codicote. The area south and west of Hitchin is dominated by small hamlets linked by a network of winding lanes with high hedgerows, while to the east of Baldock, the landscape is open, with few hedges and larger, more nucleated villages.
- A1.3 Each of the towns has a distinctive character: Hitchin, Baldock and Royston are medieval market towns, each retaining numerous historic buildings, while Letchworth Garden City is world famous as the first Garden City.
- A1.4 The towns offer a wide range of shopping facilities, combining high street names with traditional markets, interesting antique and craft centres and small speciality shops. Farmers' Markets are held regularly at Hitchin, Letchworth Garden City and Royston, selling a range of local produce.
- A1.5 The villages of North Hertfordshire are very much community based, with cultural and community activities a key part of village life. Cultural and community activities are equally important in the four main towns, each also having a diverse and active night-time economy.
- A1.6 As at 1 October 2021, the number of licences, permits and registrations issued were as follows:

Casinos	0
Bingo premises	0
Betting shops	12
Track betting premises	0
Adult gaming centres	1
Gaming machine permits	107
Small society lotteries	68

A2 Location

- A2.1 North Hertfordshire is 1 of 10 districts within the county of Hertfordshire, located to the north side of Hertfordshire. Hertfordshire can be found in the East of England, bordering Greater London to the south and Bedfordshire and Cambridgeshire to the north.

- A2.2 North Hertfordshire covers 37,538 hectares and represents 22.85% of the total area of the county of Hertfordshire.
- A2.3 North Hertfordshire is made up of 24 wards, the largest of which geographically is Hitchwood, Offa and Hoo, making up 27.36% of the North Hertfordshire area.
- A2.4 Found in the South East of England, officially within the region of East of England, North Hertfordshire itself borders the neighbouring districts of Central Bedfordshire, South Cambridgeshire, East Hertfordshire, Stevenage, Welwyn Hatfield and St Albans.
- A2.5 92% of residents (2019/20 survey) in North Hertfordshire are satisfied with their local area as a place to live.

A3 Population

- A3.1 The latest (mid-2019) estimate from the Office for National Statistics (ONS) puts the population of North Hertfordshire at 133,570 (65,382 males and 68,188 females). This indicates an estimated increase in population by 5.1% over the last decade.
- A3.2 The number of households in North Hertfordshire was 53,426 in 2011 with 65.6% of residents owning their own home compared to an average of 63.4% for England.
- A3.3 The Office for National Statistics 2018-based subnational population projections were published on 24th March 2020. These are based on the mid-2018 population estimates published on 26th June 2019. The projections are based between 2018-2028. The population projections suggest an increase of approximately 3,330 (2.5%) in population in North Hertfordshire District over the 10-year period.

A4 Age

- A4.1 The largest (5-year) age band in North Hertfordshire, in 2019, was 50-54 years olds which represents 7.4% of the local population.
- A4.2 In 2019, an estimated 81,601 (61.1%) of North Hertfordshire's residents were aged between 16-64. This age group is considered the traditional working age. However, many young people stay in education and training beyond the age of 16 and the state pension age has now increased to ages 66 or 67, depending on date of birth.
- A4.3 The latest (mid-2019) estimates indicate that 19.1% of North Hertfordshire's residents are aged 65 and over. This is higher than the overall UK percentage of over-65's at 18.5%.
- A4.4 Over 85's make up an estimated 2.9% of North Hertfordshire's population.
- A4.5 Between 2016-2018, the life expectancy at birth was 81.1 years for males and 83.8 years for females in North Hertfordshire. This is slightly higher than the national average for both genders which is 79.6 for males and 83.2 for females in England.
- A4.6 Under 20's make up an estimated 23.7% of North Hertfordshire's population.
- A4.7 Individuals counted as children are defined as those aged under 16. In mid-19, it was estimated that there were 26,308 children in North Hertfordshire which made up 19.7% of the overall population.

A5 Ethnicity

- A5.1 In the 2011 Census, 15.1% of the North Hertfordshire population were from an ethnic minority background (defined as non-white British).
- A5.2 95.88% of North Hertfordshire residents had English as their main language, 0.6% of residents did not have English as a main language and could not speak English well, and 0.11% of residents could not speak English at all.
- A5.3 Hitchin Bearton ward has the highest number and the highest percentage per ward of ethnic minorities in North Hertfordshire as well as the largest number of households that speak little or no English.
- A5.4 In the 2011 census, 57% of North Hertfordshire residents identified themselves as Christian. 30% stated themselves to have no religion and over 7% did not state a religious stance, with the next most prominent belief being Sikhism, with 1.9% of residents identifying themselves as Sikh.
- A5.5 In 1970, the first Gurdwara Sikh temple in the Anglia region was purchased and renovated on Bearton Avenue, in Hitchin Bearton. It was formed to serve the communities of Hitchin, Letchworth, Stevenage, Luton and surrounding areas. Before this time, anyone wishing to visit a Gurdwara would have to go to London, the Midlands or congregate in hired halls. This could provide an explanation as to why Sikhism is the 4th most prominent religious stance of North Hertfordshire residents.

A6 Deprivation

- A6.1 Deprivation profiles are measured through the ONS Indices of Deprivation, with the most recent data being from 2019. This measures relative deprivation for small areas in England. In 2019, North Hertfordshire ranked 269 out of 317 lower tier local authorities. With rank 1 being the most deprived and rank 317 being the least deprived, North Hertfordshire ranks among the 16% least deprived local authorities in England.
- A6.2 However, North Hertfordshire still contains pockets of deprivation, with sections of the Jackmans Estate in Letchworth being one of the ten most deprived areas in Hertfordshire.
- A6.3 Deprivation is categorised with different domains including income, employment, education, skills and training, health deprivation and disability, crime, barriers to housing and services, living environment, income deprivation affecting children, and income deprivation affecting older people. Of these, North Hertfordshire ranks highest in education skills and training but ranks lowest in barriers to housing and services.

A7 Income Deprivation and Child Poverty

- A7.1 Income deprivation measures the proportion of the population experiencing deprivation through low income. This can include those that are out-of-work and those that are in work but have low earnings. In 2019, 7.9% of North Hertfordshire's population was income deprived. Within North Hertfordshire, 3 out of 82 neighbourhoods are among the 20% most income-deprived neighbourhoods in England whilst 28 of North Hertfordshire's neighbourhoods are amongst 20% of the least income-deprived in England.
- A7.2 19.7% of children in Hertfordshire were living in relative poverty in 2019/20. Relative poverty is measured as a household that has an income that is 60% below the median income. Here, children are classified as those under 16 years of age. This is estimated through family income after housing costs in order to give an accurate comparison of what families have available to spend on food, utilities, clothing and leisure.

A7.3 The percentage of North Hertfordshire children living in relative poverty is higher than in 2014/5. This appears to match trends across the region and country indicating that across the UK, the percentage of children experiencing relative poverty has risen since 2014/15. Positively, in North Hertfordshire in 2019/20, the proportion of children experiencing relative poverty was at its lowest since 2016.

A7.4 The proportion of children experiencing relative poverty in North Hertfordshire is lower than the regional and national averages and when compared to local authorities across the UK, North Hertfordshire ranks within the 15% of lowest child poverty rates across UK local authorities.

A8 The Working Population

A8.1 The main source of data regarding the working population and employment levels is the ONS Annual Population Survey with the most recent data from September 2020. This data can be found summarised, with additional information regarding other local districts in Hertfordshire, on Herts Insight webpage.

A8.2 An estimated 81,601 North Hertfordshire residents are between 16-64 years of age and therefore categorised as 'working age' referring to the 61.1% of residents within this age bracket.

A8.3 In September 2020, 84.6% of North Hertfordshire's working age population were employed whilst 3.4% of the working age population were unemployed. Of those in employment, 89.6% were employees and 10.4% were self-employed.

A8.4 Of the working age population within North Hertfordshire, 82.4% of the working age population were working full time.

A8.5 Within this, there is a significant difference between males and females working full time or part time. (90.9% of working-age males worked full time and 70.6% of working age females worked full time). 17.6% of the overall working age population of North Hertfordshire were working part time (9.1% of working-age males and 29.4% of working-age females).

A8.6 Figures of those claiming benefits are updated monthly. The Claimant Count includes those that are claiming Job Seeker's Allowance as well as those who claim Universal Credit and are required to seek work and be available to work. The percentages are calculated as the proportion of the working age population.

A8.7 In February 2021, 4.6% of North Hertfordshire's working age population were claiming these benefits. North Hertfordshire's claimant count has seen a sharp rise as a result of the COVID-19 pandemic with a significantly lower proportion of the working age population (1.7%) claiming these benefits in March 2021. This shift has mirrored the increase across the region and the country, but North Hertfordshire continues to have a proportionally lower claimant count than the East of England or the country overall.

A9 Updating the profile

A8.1 This local area profile is based on the latest available information and may be updated from time-to-time by the licensing manager to reflect the current position.

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Summary of Responses to Statement of Licensing Principles

Consultee	Observations	Comment / Action Taken	Amendments to Licensing Policy
Corporate Policy Team	Additional information provided relating to a case study on the link between gambling and violence	The study helps emphasise the issue referred to in the Policy and provides useful evidence	Section B14 updated to make reference to the study conclusion including a link to the study
	Reference to the pending change to the corporate vision included in the Policy	Policy is to be adopted in 2021 however the pending Council Plan will necessitate a change to the stated Council Vision.	Section A5.3 allows the licensing manager to make administrative changes required by legislative updates - this has been extended to include changes to the Council Plan
	Identification of pronouns that could be changed to be more inclusive	Agreed, Policy to be amended	Sections A11.4, C8.1, D3.3, F3.2 and F3.4 amended
	Additional information provided for the local area profile from the Corporate Equality Strategy	Local area profile data was out of date in some sections due to more recent data publication	Appendix A amended to include updated data
William Hill PLC	Betting premises are not allowed to permit entry to under 18s so questioning the need for a Child Sexual Exploitation section of the Policy whilst acknowledging general safeguarding responsibilities	It is correct that u18s are not permitted on most gambling premises however CSE references are still relevant. The intention was to require licence holders to be aware of the vicinity outside their premises which may become an area where children congregate to meet adults	Section B12 amended to highlight the intention of monitoring outside the premises
	Requesting the removal of the public health section as it is not directly related to the licensing objectives although relevant to the local area profile	Although public health is not a specific licensing objective, the impact of gambling on the health of vulnerable persons is relevant, particularly in the case of a licence review triggered by problem gambling	Section B14 amended to clarify the relevancy of public health

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COUNCIL
11 November 2021

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: Independent person on the Finance, Audit and Risk Committee

REPORT OF: *Service Director: Resources*

EXECUTIVE MEMBER: *Non-Executive*

COUNCIL PRIORITY: BE A MORE WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL

1. EXECUTIVE SUMMARY

This report recommends that the Council has an independent person (i.e. a non-Councillor) on the Finance, Audit and Risk Committee. This is recommended as best practice by the Chartered Institute of Public Finance and Accountancy (CIPFA). If approved the role would be appointed to so that they could start from the beginning of the 2022/23 Civic Year.

2. RECOMMENDATIONS

- 2.1. That Council agrees to there being an independent person on the Finance, Audit and Risk (FAR) Committee.
- 2.2. That Council instructs the Service Director: Legal and Community to make the required changes to the constitution.
- 2.3. That the Service Director: Resources is instructed to recruit to the position, in consultation with the Chair of the Finance, Audit and Risk Committee.
- 2.4. That the IRP be asked to consider an appropriate allowance for this role as part of their consideration of Members Allowances.

3. REASONS FOR RECOMMENDATIONS

- 3.1. *This will allow the Council to conform to best practice.*

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. *The Council could continue with the current arrangements of just having Councillor members of the Committee.*

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The idea of having an independent person on the FAR committee has been raised in recent FAR meetings and has been supported.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. The Council's Finance, Audit and Risk (FAR) Committee provides oversight over matters in relation to finance, external audit, internal audit, fraud, governance and risk. It also undertakes the role of approving the Council's Statement of Accounts. It currently comprises of seven Councillor members. There can be fairly high turnover in membership of the Committee between years.

8. RELEVANT CONSIDERATIONS

- 8.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) set the standards that Local Authorities should follow in relation to finance, accountancy and related matters. Those related matters include effective governance. CIPFA also issue guidance on best practise.
- 8.2 CIPFA have issued guidance that it is best practice to have an independent (non-political) person on the audit committee. This has been communicated through various documents including the Financial Management Code.
- 8.3 The Council asks the Shared Internal Audit Service (SIAS) to regularly review the effectiveness of FAR. They have made recommendations in the reviews covering the 2019/20 and 2020/21 that the Council should have an independent person on the Committee.
- 8.4 Benefits of having an independent person include (subject to an appropriate candidate):
- Provide additional knowledge and expertise
 - Provide a different perspective
 - Provide continuity between years
- 8.5 If this proposal is approved then the next step would be to make the necessary changes to the constitution. The IRP would then be asked to consider an appropriate allowance for this role as part of their annual review of allowances. It is felt that this would probably be in the region of £1-2k per year (+ expenses).
- 8.6 The Service Director: Resources would then carry out a recruitment exercise, learning from other Councils that have already been through this process. The Chair of FAR would be consulted on the process, but it would be led by the Service Director: Resources. There would be a requirement that any candidate was independent of any political party. There would also be an expectation that any candidate would undertake the role for 3-4 years (to be determined) to provide the benefit of continuity. If there was no candidate that could demonstrate suitable knowledge/ expertise then the role would not be appointed to at that time.
- 8.7 The independent person would be a non-voting member of the Committee. They would not affect the quoracy of the committee.

9. LEGAL IMPLICATIONS

- 9.1 The Council's Finance, Audit and Risk Committee is established further to the Local Government Acts 1972 and 2000 and its purpose is to give assurance to elected members and the public about the governance, financial reporting and performance of the Council. The appointment of a non-voting independent person on the committee will assist and promote good governance and scrutiny of the committee.

10. FINANCIAL IMPLICATIONS

- 10.1 There would be an additional cost in relation to the allowance and expenses paid to a successful applicant. It is possible that this can be met from within existing budgets, although this will be reviewed in light of the IRP recommendations.

11. RISK IMPLICATIONS

- 11.1 The intention of this appointment is to strengthen the role of the FAR committee, which would improve governance and reduce risk.
- 11.2 The recruitment process will be designed to help ensure that a suitable candidate is appointed, and that any appointed person can be removed if it can be clearly shown that they are not acting in the best interests of the Council.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no equalities implications arising from this report. The recruitment process will be designed to try and maximise the number of applicants.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no significant HR implications arising from this report. There will be additional work for the Service Director: Resources to manage the appointment to this role. There may also be some work in arranging training, although there will be a requirement that a successful candidate would already have some knowledge and expertise.

16. APPENDICES

- 16.1 *None*

17. CONTACT OFFICERS

- 17.1 Ian Couper, Service Director: Resources ian.couper@north-herts.gov.uk; ext 4243
- 17.2 Isabelle Alajooz, Legal Commercial Team Manager; isabelle.alajooz@north-herts.gov.uk
- 17.3 Jo Keshishian, Acting HR Services Manager, jo.keshishian@north-herts.gov.uk, ext 4314

18. BACKGROUND PAPERS

- 18.1 *Report to Finance, Audit and Risk Committee on the Financial Management Code (item 13):*
<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=146&MId=2599&Ver=4>
- 18.2 *Report to FAR on the SIAS review of the effectiveness of FA (item 20):*
<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=146&MId=2598&Ver=4>

COUNCIL
11 NOVEMBER 2021

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: USE OF URGENCY IN RELATION TO CALL-IN FOR DECISION ON BUSINESS RATE POOLING

REPORT OF: *Service Director: Resources*

EXECUTIVE MEMBER: *N/A*

COUNCIL PRIORITY: BE A MORE WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL

1. EXECUTIVE SUMMARY

To notify Council that the urgency provisions in relation to call-in were applied to a delegated decision made by the Service Director: Resources (in consultation with the Executive Member for Finance and IT) in relation to Business Rate Pooling on 8 October 2021. This was due to the timing and availability of the information required to make the decision and the deadline for submitting the pooling application. Allowing for potential call-in would have made it impossible to meet the deadline set by Government of 8 October 2021. As per the Constitution, the Chair of the Council agreed to the decision being treated as a matter of urgency. The Constitution requires that use of this provision is reported to the next meeting of Council, together with the reasons for urgency.

Provisions for the use of call-in and urgency are set out in paragraph 6.3.11 (b) (i) of the Constitution.

2. RECOMMENDATIONS

- 2.1. That Council notes the use of urgency provisions in relation to the Business Rate Pooling decision made by Cabinet on 8 October 2021.

All information in relation to this decision is available to view via the link below (background papers)

3. CONTACT OFFICERS

- 3.1 *Ian Couper*, Service Director: Resources, ian.couper@north-herts.gov.uk; ext 4243

4. BACKGROUND PAPERS

- 4.1 *Decision notice:*
<https://www.north-herts.gov.uk/sites/default/files/2.%20Business%20Rate%20Pooling%20-%208%20October.pdf>

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