

4 October 2024

Our Ref Licensing and Regulation Committee
14 October 2024
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To: Members of the Committee: Councillors Alistair Willoughby (Chair), Emma Rowe (Vice-Chair), Ian Albert, Amy Allen, David Barnard, Ruth Brown, Elizabeth Dennis, Keith Hoskins MBE, Tim Johnson, Nigel Mason, Bryony May, Lisa Nash, Steven Patmore, Sean Prendergast and Stewart Willoughby

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE LICENSING AND REGULATION COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF**

On

MONDAY, 14TH OCTOBER, 2024 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 - 30 OCTOBER 2023 To take as read and approve as a true record the minutes of the meeting of the Committee held on 30 October 2023.	(Pages 5 - 10)
3. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect to any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or a 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.	
4. 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.	
5. PUBLIC PARTICIPATION To receive petitions, comments, and questions from the public.	
6. ANNUAL LICENSING REPORT 2023/24 - PART 1 REPORT OF THE LICENSING AND COMMUNITY SAFETY MANAGER	(Pages 11 - 38)
To provide the committee with a summary of performance statistics, updates on project work, service improvements, and future challenges.	
7. EXCLUSION OF PRESS AND PUBLIC To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the said Act (as amended).	

8. **ANNUAL LICENSING REPORT 2023/24 - PART 2** 39 - 58
REPORT OF THE LICENSING AND COMMUNITY SAFETY MANAGER

To provide the Committee with a summary of licensing activity during the reporting year.

9. **STATEMENT OF GAMBLING PRINCIPLES 2025-2028** (Pages
REPORT OF THE LICENSING AND COMMUNITY SAFETY MANAGER 59 - 116)

The purpose of this report is for the Licensing and Regulation Committee to consider the draft Statement of Gambling Licensing Principles prepared by officers, and the public consultation responses, and then recommend the adoption of a final Statement of Licensing Principles to Full Council.

10. **PAVEMENT LICENSING POLICY** (Pages
REPORT OF THE LICENSING AND COMMUNITY SAFETY MANAGER 117 -
144)

The purpose of this report is to adopt a licensing policy for pavement licences, following the previous temporary licensing arrangements being permanently enacted into legislation.

11. **STREET TRADING POLICY** (Pages
REPORT OF THE LICENSING AND COMMUNITY SAFETY MANAGER 145 -
178)

The purpose of this report is to adopt a street trading policy incorporating minor amendments to the existing policy.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH
ON MONDAY, 30TH OCTOBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Tom Tyson (Chair), Daniel Allen (Vice-Chair), Ian Albert, Elizabeth Dennis, Gerald Morris, Nigel Mason, Lisa Nash and Alistair Willoughby*

In Attendance:

Steve Cobb (Licensing and Community Safety Manager), Eleanor Hopcraft (Committee, Member and Scrutiny Officer), Jeanette Thompson (Service Director - Legal and Community) and Sjanel Wickenden (Committee, Member and Scrutiny Officer)

Also Present:

There were no members of the public present.

14 APOLOGIES FOR ABSENCE

Audio recording – 1 minutes 34 seconds

Apologies for absence were received from Councillors Ruth Brown, Michael Muir and Michael Weeks.

Councillors David Barnard and Raj Bhakar were absent.

15 MINUTES - 7 FEBRUARY 2023

Audio recording – 1 minute 55 seconds

Councillor Tom Tyson, as Chair, proposed and Councillor Elizabeth Dennis seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 7 February 2023 be approved as a true record of the proceedings and be signed by the Chair.

16 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 36 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.
- (2) 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.
- (3) The Chair advised for purposes of clarification that 4.8.23(a) of the constitution did apply to this meeting and Members were required to be present for the entirety of an Item to vote.

(4) The Chair said a farewell to the Committee Member and Scrutiny Officer Eleanor Hopcraft.

17 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 4 seconds

There was no other business notified.

18 PUBLIC PARTICIPATION

Audio recording – 4 minutes 10 seconds

There was no public participation.

N.B Councillor Lisa Nash entered the Chamber at 19:34.

19 ANNUAL LICENSING REPORT 2022-2023

Audio recording – 4 minutes 20 seconds

The Licensing and Community Safety Manager presented the report entitled 'Annual Licensing Report 2022-2023' and advised of the following that:

- The Committee had previously expressed a desire to see the number of inspections increased from the low number completed in in the previous reporting year. For this reporting year, the number of inspections had risen to 213, with a focus on high risk areas as requested by the Committee.
- The current number of applications was shown in appendix A.
- The number of applications had grown and was at the highest level since pre pandemic, temporary event notices (TEN's) had returned to pre pandemic levels.
- Licenses were at their highest level since these reports were established, however the recovery had been at the loss of some smaller independent businesses.
- Service requests were down, but this can be explained by the channel shift of combining appointments which had improved customer service and efficiency.
- Licensing fees were set in accordance with a resolution of the committee from 2013 and consideration should be given to whether this needed to be reviewed as it allowed discounts for non-commercial entities.
- There had been one Licensing Sub-Committee hearing in 2022-23 and the Licensing team had encouraged mediation prior to any hearing being convened.
- The Street Trading Policy was reviewed after consultation with the Chair of the Licensing and Regulation Committee and the Executive Member for Housing and Environmental Health.
- Work was ongoing on a review of the Statement of Gambling Principal Policy which would require, a public consultation, a review from this Committee and then approval from Full Council before the end of 2024.
- There would be some small changes to the Charitable Collection Policy.
- The Council had not adopted a Caravan, Camping and Mobile Home Sites Policy. Inspections had been carried out on these sites using the proposed model standard and a public consultation was expected for early next year.
- The Taxi and Private Hire Policy set in 2020 would need to be reviewed next year, the current policy offered discounted fees for hybrid and electric cars and encouraged the move to Ultra Low Emission Vehicles (ULEV) by 2028.
- Funding had been awarded from the Police and Crime Commissioner (PCC) for the Women and Girls Safety Charter but not yet received.

- A review of the Taxi and Private Hire licenses had been undertaken, with consultation from the trade association regarding changes to renewals and had some further simplifications pending.
- The Licensing team were now fully qualified and had gained additional qualifications in Animal Inspections and Fire Risk Assessment, generating a cost saving as these inspections had previously been outsourced.
- Skin piercing registration had increased, believed to be a reaction to the anticipated Health and Care Act 2022 and the introduction of new legislation.
- The Animal Welfare (Kept Animals) Bill had been withdrawn, but there had been a ban imposed on importing young, pregnant, or mutilated dogs and primates.
- There was a new Supporting Housing (Regulatory Oversight) Act 2023, regarding accommodation that was exempt from being registered as a House of Multiple Occupants (HMO) which included refuges and local authority hostels.

The following Members asked questions:

- Councillor Gerald Morris
- Councillor Nigel Mason
- Councillor Ian Albert
- Councillor Elizabeth Dennis
- Councillor Alistair Willoughby
- Councillor Tom Tyson

In response to questions the Licensing and Community Safety Manager stated that:

- Most scrap metal licenses were for three years and controlled by the Scrap Metal Dealers Act and covered financial transactions and their site management.
- No scrap metal inspection had been conducted as this area was considered as a low risk. Mobile scrap metal collectors often had out of district licences and work was ongoing with the collectors and the local police as a license was required from all authorities where collections are made.
- The Licensing Act and the Gambling Act had fees set by central Government and had not increased since 2005.
- All other fees were set locally, with the limitation that just reasonable costs for administration and enforcements can be achieved.
- Event pricing for TEN's was set by Central Government, for an event up to five thousand people the cost was £100 and for large scale events as seen at Knebworth the cost was £40,395.
- Park homes would be covered by the Camping and Caravan Policy, and it would be a sensible suggestion to include this in the policy name.
- There had been ten inspections of park home sites with one site being advised of a breach of the minimal distance and work was ongoing with Officers to resolve this matter. The other nine sites had no reported problems.
- There were 38 valid licences for HMO, which was considered low, a trawl of the district had not confirmed any new sites. Often it was the public or the Revenue and Benefits team that informed the Council of a new HMO.
- An HMO could only be refused on the grounds of unsuitable housing standards, parking or antisocial behaviour grounds are not relevant under the legislation and planning permission was only required for a dwelling with six or more bedrooms or housing seven or more occupants.
- It was acknowledged that the report should state North Hertfordshire Charter at paragraph 12.13.
- Some licensing applications were received through an agent or solicitor at a cost to the applicant, this was viewed as a service opportunity for the Licensing team to manage in 2024.

- A pre application service for new Taxi and Private Hire applicants and a training course advising on access for wheelchair and assistance dog users in licensed vehicles had been considered.
- There would be a soft launch of the Women and Girls Safety Charter at a venue in Letchworth during November including training materials and speakers, all licensed premises are invited to attend. The Charter will be rolled out in Hitchin and then the other towns, all licensed premises are encouraged to join, and this is being promoted by the Pub Watch group.
- The Street Trading Policy had been adopted by the Council for the four towns in the District. At the time it was deemed that the villages had very few street trading incidents, although if evidence was provided, then Council could consider updating the areas of the policy.

Councillor Daniel Allen proposed and Councillor Elizabeth Dennis seconded and, following a vote, it was:

RESOLVED: That the Committee:

- (1) Reviewed the Annual Report and commented on its content.
- (2) Noted the Annual Report.

REASON FOR DECISIONS: Section 8.2.3 of the Council Constitution requires the Full Committee to meet at least once per civic year and section 8.2.3 (d) requires the Committee 'to receive an annual report on licensing activities including performance information'.

20 THE ROLE OF THE LICENSING AND REGULATION COMMITTEE

Audio recording – 46 minutes 42 seconds

The Licensing and Community Safety Manager presented the report entitled 'The Role of the Licensing and Regulation Committee' and highlighted the following that:

- The main considerations of this Committee were policy work, contested applications and as a Scrutiny function, as licensing was not governed by the Overview and Scrutiny Committee.
- The Scrutiny function was reviewed every few years and the Committee was invited to consider what could be done differently.
- The Committee could ask for more information in the annual report, or for a six-monthly review.

The following Members took part in debate:

- Councillor Alistair Willoughby
- Councillor Tom Tyson
- Councillor Ian Albert
- Councillor Gerald Morris
- Councillor Elizabeth Dennis

Points raised in debate:

- A six-monthly review would be helpful and could be emailed out to the Committee.
- It was requested that the report have a bullet point format and include updated statistics on inspections and upcoming policy reviews.
- The report should only come to a meeting if there was already a meeting scheduled.

- Contentious Sub-Committees hearings were easier to manage in person, but last year there was only one non contentious meeting.
- Requests that when Sub-Committee hearings occurred that an update be provided to use as training for newer Members.

The Licensing and Community Safety Manager stated that:

- Having Sub-Committee hearings in person had not been ruled out when the matter was contentious or when there was a public interest test, but the default position was that these meetings continued as virtual meetings.
- A six-monthly review could be emailed out with statistics, an update on ongoing projects and future work and this would be presented to the Committee should this occur close to a scheduled meeting.

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

RESOLVED: That the Committee:

- (1) Considered their future role having considered the content of the Annual Report.
- (2) Advised officers of any additional information they required to undertake the licensing scrutiny function, including that a half yearly update be provided to Members of the Committee and that further information on the processes be provided to newer Members.

REASON FOR DECISIONS: To ensure that the committee is receiving the information it requires in the Annual Report and that it is content with its role in the licensing process.

The meeting closed at 8.27 pm

Chair

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LICENSING AND REGULATION COMMITTEE
14 October 2024

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LICENSING SERVICE ANNUAL REPORT 2023 - 2024
REPORT OF: THE LICENSING AND COMMUNITY SAFETY MANAGER
EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH
COUNCIL PRIORITIES: PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

The purpose of this report is to provide the Licensing and Regulation Committee with a summary of the work undertaken by the licensing service over the previous twelve months, an update on existing projects and an overview of future proposals.

2. RECOMMENDATIONS

2.1. That the Committee be recommended to:

- (a) Review the Annual Report and comment on its content
- (b) Note the Annual Report

3. REASONS FOR RECOMMENDATIONS

3.1. Section 8.2.3 of the Council Constitution requires the Full Committee to meet at least once per civic year and section 8.2.3 (d) requires the Committee '*to receive an annual report on licensing activities including performance information*'.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 No alternative options were considered as the annual report is required by the Constitution and is reporting past activity.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 No consultation was necessary as the Committee are not being asked to make a decision.

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. At the meeting of the Committee on Tuesday 28 November 2017, the licensing manager presented an oral update on various licensing matters.
- 7.2 Following discussion, Members indicated that they found the oral update beneficial and would like to receive further updates. The licensing manager suggested that a formal annual report could be introduced to support this request to allow the Committee to discuss and comment on the service's work.
- 7.3 The Constitution was subsequently amended to incorporate the presentation of an Annual Report to the Committee.

8. RELEVANT CONSIDERATIONS

- 8.1. The Annual Licensing Report covers the same reporting period as the previous years, 1 October to 30 September, in order that a direct comparison with the previous years' statistics can be made.
- 8.2 The Committee are requested to discuss the content of the report and highlight any areas of concern that they wish the licensing team to address.
- 8.3 The Committee can also provide officers with any suggestions for future proposals.

9. LEGAL IMPLICATIONS

- 9.1. As the Committee is not being asked to make a decision, there are no specific legal implications relating to this report other than the reference to the Council Constitution in paragraph 3.1 above.

10. FINANCIAL IMPLICATIONS

- 10.1 As the Committee is not being asked to make a decision, there are no financial implications arising from this report.

11. RISK IMPLICATIONS

- 11.1 As the Committee is not being asked to make a decision, there are no risk implications arising from this report.

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. As the Committee is not being asked to make a decision, there are no equalities implications arising from this report.

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. As the Committee is not being asked to make a decision, there are no environmental impacts or requirements arising from this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 As the Committee is not being asked to make a decision, there are no human resource implications arising from this report.

16. APPENDICES

16.1 Annual Licensing Report 2023 – 2024, including appendices A, B, and C

17. CONTACT OFFICERS

17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

18.1 None

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Annual Licensing Report

1 October 2023 to 30 September 2024

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to give the Licensing and Regulation Committee:

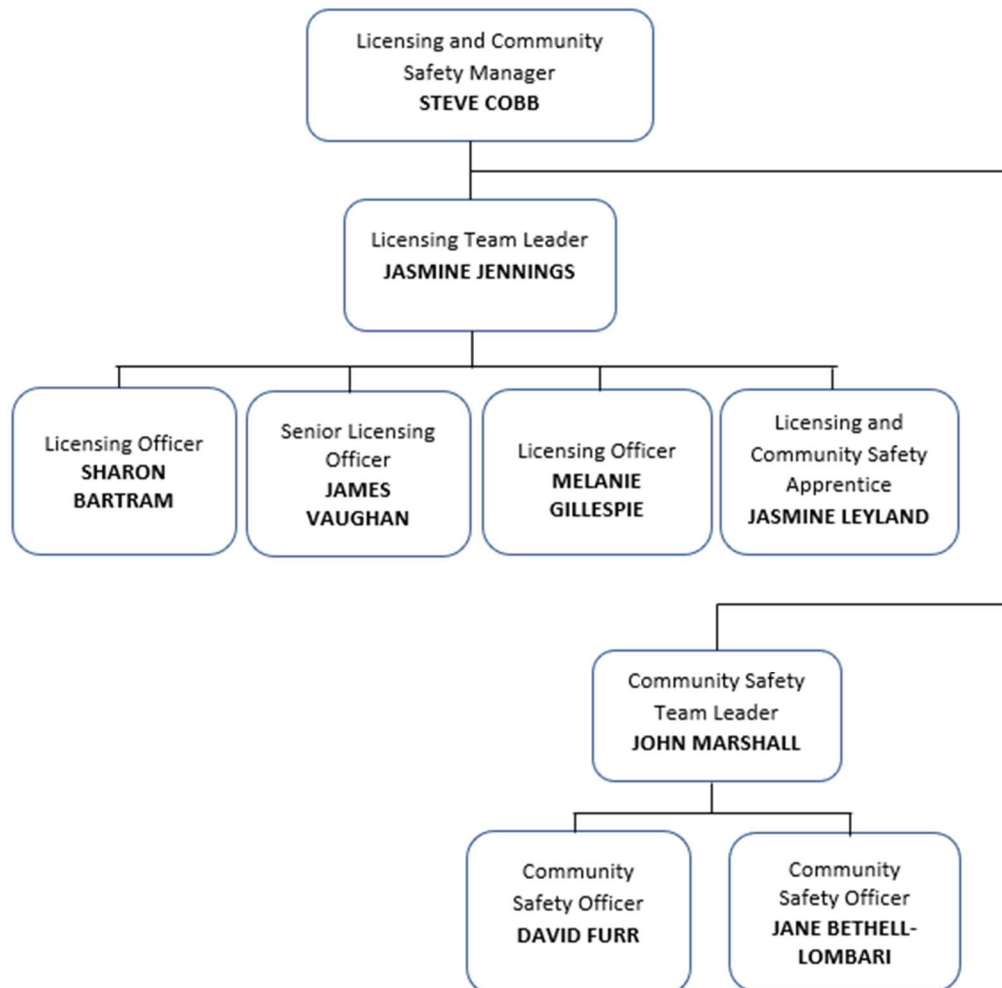
- an overview of the work undertaken by the licensing service over the preceding twelve months
- an update on existing projects and policies
- an overview of future proposals

1.2 The period covered by the report is 1 October 2023 to 30 September 2024.

2. OVERVIEW OF THE SERVICE

2.1 From 1 November 2022, the licensing service formally combined with the community safety service.

2.2 The new structure delegated additional responsibilities to the licensing team leader to allow the licensing and community safety manager to oversee both service areas.



- 2.3 The team is helped by officers in the Management Support Unit (MSU) who undertake a range of administrative functions for the service ranging from basic enquiries to the processing of low-risk applications. This help is essential in being able to deliver an effective licensing service to our customers.
- 2.4 The licensing officer and assistant licensing officer posts are all career-graded to encourage staff development and help with staff retention and service resilience.
- 2.5 All activities undertaken by the licensing service are in fulfilment of statutory duties placed on the Council.
- 2.6 The licensing of the use of council land is undertaken by the greenspace service manager.
- 2.7 The licensing service's main activities are the determination, issue and enforcement of licences/consents/permits relating to the following activities:

Alcohol, entertainment, and late-night refreshment

- 2.7.1 This includes:
- all sales of alcohol
 - performance of plays
 - exhibition of films
 - indoor sporting events
 - boxing and wrestling
 - performance of live music
 - playing of recorded music
 - performance of dance
 - sale of hot food/drink between the hours of 11pm and 5am
- 2.7.2 Examples of premises that fall within this regime are pubs, members clubs, restaurants, cafes, cinemas, community halls, late night takeaway shops, theatres, off licences, supermarkets, boxing/wrestling venues, music concerts and outdoor music festivals.
- 2.7.3 A mandatory licence condition requires any film shown to the public to either be classified by the British Board of Film Classification (BBFC) or the local licensing authority.
- 2.7.4 There is an increasing number of small independent film makers locally where BBFC classification is cost prohibitive, therefore the licensing service undertakes the age classification of these films on a cost recovery basis.
- 2.7.5 North Herts has a high number of outdoor events and festivals across the district that is regularly increasing. Examples of recent events are:
- Liam Gallagher at Knebworth Park (2022)
 - Try Fest in Letchworth (annual event)
 - Lazy Sunday in Letchworth (annual event)
 - Goat Fest in Codicote (annual event)
 - Todd in the Hole in Todds Green (annual event)
 - Noughty 90s in Hitchin (annual event)
 - Abode Halloween in Hitchin (annual event)
 - Hitchin Priory Events (annual event)
 - Shhh Festival in Weston (annual event)

- 2.7.6 Temporary event notices (TENs) also fall within this regime; they are temporary permissions to undertake any combination of the above licensable activities. They are most often used by premises that do not have a permanent premises licence, for example a school fete or PTA fundraiser. Additionally, permanent premises licence holders sometimes use them for temporary extensions to existing licenced hours.
- 2.7.7 TENs are a 'light touch approach' to licensing and are less restrictive than a permanent premises licence as conditions cannot be attached. For that reason, prescribed limits apply to the number of TENs per person and per premises each year and the audience capacity is restricted to 499 persons at any one time.

Gambling

- 2.7.8 Examples of premises that fall within this regime are betting shops, bingo halls, casinos, racing track betting, amusement arcades and poker clubs.
- 2.7.9 It also includes small society lotteries, raffles, and gaming machine permits (pubs, clubs, motorway service stations, etc.).

Taxis and private hire

- 2.7.10 This includes taxi (hackney carriage) and private hire drivers, private hire operators, taxis, and private hire vehicles.

Street trading

- 2.7.11 This covers the sale of goods in the street and any land open to the public without entry payment within the four main towns and adjacent to the main arterial routes.
- 2.7.12 It includes mobile vendors (such as burger vans, sandwich trucks or ice cream vans), markets (other than Charter or licensed local authority markets), car boot sales and temporary stalls.

Pavement Licences

- 2.7.13 To help the recovery of business after the national lockdown and during continued restrictions, Government introduced a new temporary permission for tables and chairs outside of premises offering food and/or drink called a pavement licence.
- 2.7.14 These are administered by district and borough councils as a fast-track, cost effective alternative to county council issued street café licences.
- 2.7.15 This was initially a temporary measure however has now been made permanent.
- 2.7.16 The Levelling-up and Regeneration Act formalised the temporary arrangements into permanent legislation and introduced enforcement powers for district and borough councils, a power previously reserved for highways authorities only.

Charitable collections

- 2.7.17 This covers collection of money in the street, or the collection of money or goods by going house to house, in the four main towns only.

2.7.18 Examples of collections covered by this regime include charity collections, sale of goods for charitable purposes, clothing collection bags or flower sellers going from pub to pub on Valentine's Day.

Animal establishments

2.7.19 This regime is targeted at ensuring the welfare of animals and covers premises such as kennels, catteries, home boarders, dog breeders, zoos, horse riding schools, pet shops, dangerous wild animals, dog day crèches and keeping/training of animals for the purpose of public performance/exhibition.

Sex establishments

2.7.20 This covers sex shops, sex cinemas or sexual entertainment venues (for example, lap dancing or pole dancing clubs).

Scrap metal dealers

2.7.21 This covers any site that:

- buys or sells scrap metal
- recovers salvageable parts from motor vehicles for re-use or sale
- buys written-off vehicles, repairs and resells them

2.7.22 It also includes mobile collectors that travel door-to-door collecting scrap metal. Mobile collectors must have a licence for each district/borough in which they undertake collections.

Hypnotism

2.7.23 This includes all performances of hypnotism for the purpose of entertaining an audience.

Houses in multiple occupation (HMOs)

2.7.24 A property is an HMO if both the following apply:

- at least three tenants live there, forming more than one household
- toilet, bathroom, or kitchen facilities are shared

2.7.25 An HMO needs a licence if the property is rented as a shared house, flat, or bedsit if both the following apply:

- at least five tenants live there, forming more than one household
- toilet, bathroom, or kitchen facilities are shared

2.7.26 Persons involved in the management of an HMO have to be assessed by the Council to ensure that they are a 'fit and proper' person to undertake that role.

Park homes, caravan sites, and camp sites

2.7.27 The provision of land for mobile (park) homes, caravans, or camping in any moveable structure requires a licence from the local authority.

2.7.28 Persons involved in the management of a park home/caravan/camping site must be assessed by the Council to ensure that they are a 'fit and proper' person to undertake that role.

Skin piercing

2.7.29 Any person or business undertaking skin piercing activities must be registered with the local authority. The premises in which the activities are provided must also be registered.

2.7.30 Skin piercing activities include, but are not limited to:

- acupuncture
- tattooing
- cosmetic piercing
- electrolysis
- semi-permanent skin colouring

2.7.31 Although this is only a registration scheme, local byelaws enforce standards of hygiene and safety.

2.7.32 Primary legislation has been enacted by Parliament to allow the Secretary of State to introduce a new non-surgical skin piercing licensing regime. A consultation process on the details of the licence scheme has been launched by Government.

3. INSPECTIONS

3.1 The licensing service undertakes a series of risk-based planned inspections to ensure licence compliance and minimise the risk to public safety. The number of inspections undertaken within the reporting period was:

INSPECTIONS					
	2019/20	2020/21	2021/22	2022/23	2023/24
Animal Inspection	25	2	10	23	16
Animal courtesy visits					24
Gambling Insp - Betting (other)	1	0	0	7	1
Alcohol/entertainment/LNR risk-rating visit	74	0	1	65	303
Alcohol/entertainment/LNR courtesy visit	0	0	0	45	2
Private Hire Operator Insp	5	1	5	3	5
Taxi/private hire courtesy visits	0	0	0	21	25
HMOs					20
Park Homes					11
Skin Piercing	0	0	14	49	36
Scrap Metal Site	1	0	0	0	0
Sex Establishment	0	0	0	0	0
	106	3	30	213	443

3.2 As previously reported, a new inspection regime has been implemented to increase the number and relevancy of inspections undertaken.

3.3 Inspections are now targeted at premises based on risk to the public, plus more proactive inspection visits for new premises management are being undertaken with a view to reducing the need for reactive visits if problems arise.

3.4 The types of inspections now being programmed and logged on the licensing database include:

- any visit investigating a complaint
- programmed annual inspections for in perpetuity licences based on a risk-matrix
- mandatory mid-term licence inspections for longer fixed term licences such as animal establishment licences
- out of hours inspections during peak operating hours based on a risk-matrix
- joint inspections with other agencies, such as the police or fire
- ad hoc courtesy visits to taxi ranks where basic vehicle checks are undertaken
- ad hoc courtesy visits to licensed premises
- courtesy visits to new licence holders within the first few months of a new premises opening
- courtesy visits within the first few weeks of a business changing ownership when the licence is transferred
- courtesy visits to alcohol licensed premises when a new designated premises supervisor takes over the day-to-day management

3.5 The number of inspections undertaken in the reporting year is a significant increase on previous years. This is because of better recording, the new inspection regime, and having a full team of officers.

4. APPLICATIONS

4.1 The number of applications received during the reporting period is attached as **Appendix A**.

4.2 As the figures show, the effect of the pandemic on the number of applications has continued to be reversed. Indeed, it is encouraging to see an increase in the number of new businesses starting up in North Hertfordshire which has outweighed the number lost during, and because of the economic climate following, the pandemic.

5. CURRENT LICENCES

5.1 As of 30 September 2024, the number of current licences issued by the licensing service is attached as **Appendix B**.

5.2 In addition to these licences which, in most cases, are granted in perpetuity the licensing service also issued 625 temporary event notices which are specific to one off small-scale events during the period covered by this report.

5.3 The impact of the lockdown, and coming out of the pandemic, had a significant impact on the number of temporary event notices (TENs) as most community events were cancelled due to restrictions and economic recovery. It is encouraging to see that the number of TENs has now returned to, and exceeded, pre-pandemic levels, increasing the vibrancy of communities in the district.

6. MISCELLANEOUS SERVICE REQUESTS

6.1 The licensing service receives a high number of service requests in writing and by telephone, most notably requests for advice on the need for, and the submission of, an application.

6.2 Due to a high volume of telephone requests that were not quantifiable for fee setting purposes, plus the need to have an auditable trail of advice given, from 2021 customers had

to submit service requests in writing. This also reduced the number of back and forward telephone calls establishing further information or the customer not answering the call.

- 6.3 This new approach reduced the amount of officer time needed to deal with basic service requests, thus providing a more effective service for the customer.
- 6.4 Additional work continues to be undertaken on the website to allow customers to self-serve on the more basic requests.
- 6.5 In addition to service requests, the licensing service also undertakes various functions relating to taxi and private hire licensing that are an integral part of assessing drivers' ability to meet the 'fit and proper' person test and that vehicles are roadworthy and compliant with policy.
- 6.6 During the previous reporting period, three individual appointments (DBS, right to work, and verbal knowledge test) were combined into one new driver appointment to provide a more effective and efficient service to our customers, which has been well received.
- 6.7 The number of recorded service requests and ancillary functions within the reporting period was:

MISCELLANEOUS					
	2019/20	2020/21	2021/22	2022/23	2023/24
Service requests	269	403	423	418	543
Taxi complaints	28	28	26	24	22
Taxi compliance tests	387	371	425	434	449
Taxi Verbal knowledge tests	30	12	50	53	27
Taxi computerised topographical tests	10	7	33	17	58
Taxi DBS/Right to Work appointments	66	15	94	41	0
New driver appointments #	0	0	0	23	92
	790	836	1,051	1,010	1,191

Note:

2020/21 knowledge tests, topographical tests and DBS appointments were only available from 01/09/2021 due to lockdown restrictions

- 6.8 The licensing service receives a significant number of freedom of information (FOI) requests, mainly in relation to taxi and private hire licensing, premises licensing, or animals. The full implementation of the public licensing register has decreased the amount of officer time needed to process these requests as the majority can now be referred directly to the information already publicly available on the register. Numbers of FOI requests have not been included in this report as they are recorded separately by the FOI Team.

7. LICENSING FEES

- 7.1 Established licensing fee case law supported by the *Hemming* judgement prevents local authorities from making a profit from licensing fees. The *Hemming* judgement ruled that fees can only cover the reasonable costs of administration and enforcement of the specific licensing regime and should be cost neutral over a period of three years.
- 7.2 A report was provided to the Licensing and Appeals Committee on 12 December 2013 summarising the legal position on fees; the Committee passed the following resolution:

RESOLVED: That, having considered the criteria suggested within the report, the following principles for the setting of future licensing fees and charges be supported:

- (a) *licensing fees and charges should be set having regard to the need to promote local economic growth provided that they are consistent with the following objectives:*
 - (i) *That the local Council Taxpayers does not, unless provided for by law or decision of the Council, subsidise the operating costs associated with businesses or other trading entities (i.e. the Council seeks to fully recover the lawful costs licensing activity);*
 - (ii) *the Council may not fully recover its lawful costs associated with licensing activity if*
 - a) *this would result in significant hardship to third parties, or*
 - b) *the effect of fees or charges associated with licensing may encourage unlicensed activity and where formal enforcement is unlikely to be an effective control, or*
 - c) *where the Council specifically wishes to encourage the growth a specific licensable activity;*
- (b) *an analysis of licensing costs, including detailed analysis of all recharges, should be undertaken every three years vis-à-vis licensing fees and charges;*
- (c) *in the years between cost reviews, fees and charges should ordinarily be subject to the Council's published inflationary increase;*
- (d) *any under/over recovery of full cost within existing licensing fees and charges should be rectified without undue delay, where legislation allows. However, where this may result in a significant increase in a licence fee/charge then consideration will be given to a phased introduction of the new levy;*
- (e) *that enforcement activities in respect of unlicensed businesses/individuals should continue with the associated costs being financed from the General Fund; and*
- (f) *that enforcement activities are periodically reviewed to ensure that they are delivered in the most cost-effective manner including, where appropriate, the use of other internal departments or external statutory bodies.*

7.3 This resolution has been fully implemented and a full costing exercise was undertaken before setting the fees for 2023/24.

7.4 Fees for 2024/25 have not been increased and work is in progress on a full costing exercise to assist in the setting of 2025/26 licensing fees at full cost recovery, where legislation permits, incorporating identified training costs for the development of the licensing team and administrative cost savings arising from channel shift.

8. LICENSING HEARINGS

8.1 Applications under the Licensing Act 2003 for new, varied, or reviewed premises licences/club premises certificates that receive representations are determined by a licensing and appeals sub-committee.

8.2 Only two licensing sub-committee hearings were held within the reporting period, reflecting the additional engagement the case officer now undertakes with the applicant, responsible authorities and customers who may be considering making representations. This engagement often alleviates the need for representations where the concerns can be adequately addressed by the applicant and incorporated into the application by way of an amendment. It also removes the possibility of representations being made on a misunderstanding of the application or a lack of detail in the application form.

- 8.3 The amendment to the Constitution requiring a fourth (non-voting) sub-committee member to be present in case of technology failure during virtual hearings continues to be a valuable training tool to allow newly trained members to experience an actual hearing prior to sitting as a voting member at subsequent hearings.
- 8.4 As with all meetings during the pandemic, licensing sub-committees met virtually which proved successful in increasing attendance by persons making representations, or interested observers, due to the convenience of not having to travel to the Council Offices. As these hearings are administered under the Licensing Act 2003 rather than the Local Government Act 1972, they can continue to be held virtually. It is proposed to continue with virtual hearings to increase public participation and transparency in the licensing process, save for any significant application where it would be in the public interest to hold the meeting in person. Recent case law has confirmed that virtual licensing hearings are lawful.
- 8.5 There is a right of appeal to the Magistrates Court against the decision of a licensing sub-committee however no decisions during the reporting period were subject to appeal.
- 8.6 A licensing or licensing regulation sub-committee would also determine the following applications:
- Contested premises licence applications under the Gambling Act 2005
 - All applications for new sex establishments

No such applications were received during the reporting period.

- 8.7 All other licensing decisions are delegated to the licensing and community safety manager, none of which have been subject to appeal.
- 8.8 The licensing and community safety manager has made two decisions during the reporting period in relation to whether applicants for taxi or private hire driver licences meet the fit and proper person criteria in the council's policy.
- 8.9 To help the committee in understanding the thoroughness of this process, particularly the detail of the decision notice, and as a reassurance that adopted policy is being followed, copies of the decision notices are attached as **Appendix C**.
- 8.10 For transparency, a decision from the end of the previous reporting period has also been included.
- 8.11 Including these decisions is a new addition to this year's report; it would be interesting to know whether the committee find this a useful addition and wish to continue with it in the future.

9. ENFORCEMENT ACTIVITY

- 9.1 The service has a range of enforcement tools available to ensure compliance with licence conditions or target unlicensed activity. Save for the most serious cases where there is, or has been, an identifiable risk to public safety, enforcement activity is designed to secure future compliance.
- 9.2 Enforcement tools include but are not limited to:
- Advice and guidance

- Informal warnings
- Driver licence penalty points (taxi and private hire only)
- Community Protection Notices
- Fixed Penalty Notices
- Statutory Notices i.e., Improvement Notices
- Licence suspension
- Licence revocation
- Closure Notices
- Prosecution

9.3 There has been one significant enforcement case during the reporting period.

Animal prosecution

The licence holder of a dangerous wild animals licence was successfully prosecuted by the police for causing unnecessary suffering to animals in his care. This was a lengthy investigation that needed a significant involvement by the licensing team leader who was monitoring ongoing care at the premises, ensuring licence conditions were being met (including additional ones added to protect public safety), and liaising with staff at the premises during the licence holder's bail period that prevented his involvement in the running of the premises. This work continues and often involves working outside of normal working hours and at weekends.

The licence holder has been banned from any involvement with animals for a minimum period of five years, but this ban was suspended until November 2024 to allow for attempts to rehome the animals. The licensing team leader has continued to work with the licence holder to encourage him to rehome as many animals as possible prior to the start of the ban.

9.4 Additionally, although not strictly enforcement action, taxi or private hire driver licences can be refused due to the driver not being a fit and proper person, or a licence can be suspended or revoked. (see paragraph 8.9 and **Appendix C**).

10. POLICY WORK

10.1 To ensure transparency for applicants, licence holders and the public, and to ensure consistent decision-making, each aspect of licensing has its own policy clearly stating the Council's requirements and local interpretation where legislation allows.

10.2 The Licensing and Regulation Committee is involved in the development and ongoing review of licensing policies as follows:

(a) Statutory policies under the Licensing Act 2003 and Gambling Act 2005

These policies can only be adopted by Full Council however the Licensing and Regulation Committee is responsible for reviewing the results of the public consultations and recommending the policies to Full Council.

(b) Non- statutory policies

(i) Where policies are reserved for the Executive, Cabinet has the responsibility for the initial adoption of new policies

(ii) Where policies are not reserved for the Executive, initial adoption falls to the Licensing and Regulation Committee

- (c) Review and amendment of existing policies
 - (i) Statutory policies are reserved for Full Council
 - (ii) Executive non-statutory policies can be amended by the relevant Executive Member
 - (iii) Non-statutory policies not reserved for the Executive can be amended by the Licensing and Regulation Committee, or the licensing and community safety manager (in consultation with the relevant Executive Member and Chair of the Licensing and Regulation Committee) depending on the extent of the amendments. Each policy details the responsibilities of each of the potential decision makers.

10.3 Additionally, adopted policies include a provision for minor amendments to be made to existing policies by the licensing and community safety manager. Each policy defines the extent of the minor amendments allowed under that delegation and ordinarily require consultation with the relevant Executive Member and the Chair of the Licensing and regulation Committee.

10.4 The Licensing and Regulation Committee has not been asked to consider any new or amended policies during the current reporting period however three policies will be considered at the October 2024 meeting as follows:

(i) Statement of Gambling Principles

This is a statutory policy that must be adopted by Full Council however the Licensing and Regulation Committee consider the responses to the public consultation and propose the policy for adoption. This policy must be adopted by 3 January 2025 therefore a public consultation has been undertaken in 2024 with a view to presenting the outcome to the Licensing and Regulation Committee at its 2024 Annual Meeting.

(ii) Pavement Licensing Policy

Now this previously temporary provision has been enacted into legislation, a new policy summarising the council's approach to pavement licensing will be presented to the Licensing and Regulation Committee at its 2024 Annual Meeting.

(iii) Street Trading Policy

A few minor changes are needed to this policy which could ordinarily have been approved by the licensing and community safety manager under delegated powers however, as the Licensing and Regulation Committee are holding their 2024 Annual Meeting, it was deemed appropriate to refer these amendments to that meeting.

10.5 For the next reporting period, 1 October 2024 to 30 September 2025, the following policies will be subject to review:

(i) Charitable Collections Policy

Some minor amendments are needed to this policy that fall within the remit of the licensing and community safety manager. These amendments will be limited to issues that have arisen operationally with the policy such as collection locations, number of

collections per day, clarification of wording, plus the amendment of job titles following the recent restructure.

(ii) Caravan and Camping Sites Policy

The current policy is due for review and will need updating to incorporate National Model Standard Conditions. All existing sites are in the process of being inspected to assess compliance against the Model Standards, which will help inform the revised policy wording. As these policy changes have the potential to impact on existing sites, this policy will be subject to public consultation and adoption by the Licensing and Regulation Committee.

(iii) Taxi and Private Hire Policy

Work has been ongoing with the taxi and private hire trade to improve the service provided by the Council. Several new methods of working have been trialled and, following successful trials and positive trade feedback, have been introduced permanently. The current policy will need amending to incorporate these operational changes however this is likely to fall within the remit of the licensing and community safety manager.

Government has recently introduced two new guidance documents relating to taxi and private hire licensing:

- Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England
- Statutory taxi and private hire vehicle standards

Licensing authorities must review these documents against its policy and decide whether to incorporate the guidance. Although it is statutory guidance, licensing authorities do have the opportunity to decide what aspects work best for its locality and, where there is good reason, depart from that guidance. As these policy changes have the potential to impact on new and existing licence holders, this policy will be subject to public consultation and adoption by the Licensing and Regulation Committee. As the committee will be considering these proposals, it is also appropriate that they consider the other proposals mentioned above that would ordinarily have been considered by the licensing and community safety manager.

(iv) Sex Establishments Policy

Although North Herts currently has no sex establishments, the policy is due for review which will be an opportunity to consider adding sections in relation to safeguarding, VAWG, and White Ribbon. As these policy changes have the potential to impact on future applications, this policy will be subject to public consultation and adoption by the Licensing and Regulation Committee.

10.6 A further Licensing and Regulation Committee will be scheduled for February/March 2025 to consider the following policies:

- Caravan and Camping Sites Policy
- Taxi and Private Hire Policy
- Sex Establishments Policy

- 10.7 Additionally, the Licensing Policy in relation to alcohol, regulated entertainment, and late-night refreshment is due for its statutory review in preparation for adoption prior to 7 January 2026. Although the adoption of this policy is reserved in legislation for Full Council, the Licensing and Regulation Committee will undertake the analysis of consultation responses and recommend a policy at its 2025 Annual Meeting.

11. CHANNEL SHIFT

- 11.1 The need for officers to develop new ways of working during the pandemic to ensure continuity of trade highlighted that several service improvements, temporarily introduced during the pandemic, could be permanently introduced to improve our service to customers. This mindset has continued with staff continually reviewing their working practices to ensure they are the most cost effective and efficient for our customers.
- 11.2 Following successful trials in the previous reporting period, online taxi and private hire applications have now been permanently introduced which has resulted in increased officer efficiency, plus a simplified and quicker process for applicants.
- 11.3 A closed membership Taxi Forum Facebook page continues to be used where licence holders can post questions. The advantage of this Forum is that all members can see the officer responses reducing the need for others to ask the same question. Equally, officers can post important messages/updates for licence holders. Monthly email updates of posts are sent to those licence holders that choose not to join the Facebook Forum however it is planned to encourage further sign-up to the Facebook page.
- 11.4 Following the success of the Taxi Forum Facebook page, consideration is being given to introducing forums for animal licensing and skin piercing.
- 11.5 Currently, customers contact the council via the customer service centre and MSU staff then have to transfer the request from the CRM into Idox Cloud (the licensing database). Work is commencing to investigate whether the two systems can communicate so that Idox Cloud automatically populates the correct data fields from the CRM to save officer time.
- 11.6 Discussions are taking place with the providers of Idox Cloud to link its online application portal with the council's payment facility to enable online submission and payment of all application types. The Idox Cloud product would work as an integral part of any customer portal facility offered by the council by using single sign-on technology.
- 11.7 Further discussions will be taking place in regard to an app that will allow Idox Cloud to be accessed by officers on any device, allowing online completion of inspection forms directly into the database using technology that will convert officer's handwritten notes into text.

12. PROJECT UPDATES

- 12.1 The licensing service has several ongoing projects targeted at smarter ways of working, channel shift, public engagement, and income generation.

Public licensing register

- 12.2 Work is continuing to facilitate online applications being submitted through the public register portal. Using single sign-on technology, the current licensing database can connect with any corporate system as part of the digitalisation project without the need to migrate data and system set-up.

- 12.3 Online applications through the portal will be a significant resource saving for the Council as the application is released directly into the database automatically populating the database fields. Using the Government portal or in-house electronic application forms, information currently must be copy typed into the licensing database in the same way as applications received in hard copy and enquiries must be made with the payment service to ensure payment has been received.
- 12.4 Once the online application forms are live, the portal can be extended to include service requests too.

Customer engagement

- 12.5 Work continues to make the Council's webpages more customer friendly despite the technical nature of the content. Pages are being shortened to cover basic generic information with links to more detailed content based on the specific information required by the customer, and pages are being written (where possible) in plain English.
- 12.6 More online forms are being, will be, introduced for service requests and complaints, with mandatory fields, to capture the necessary information rather than the process being delayed as additional information is sought by officers.

Women and Girls Safety Charter

- 12.7 A Women and Girls Safety Charter for licensed premises in North Hertfordshire has been produced as part of the Community Safety Partnership's VAWG priority. Staff at licensed premises will be provided suitable advice and training to ensure that a consistent cross-district process is in place to ensure that women and girls feel safe in licensed premises and know the safeguards available if they feel uncomfortable or have concerns. This builds on existing schemes that are already in place in some premises.
- 12.8 Using funding secured from the Office of the Police and Crime Commissioner, a video that will be used to train licensed premises staff and for promoting the Charter to the public has been produced. Funding also covers the cost of initial training materials and publicity for the Charter.
- 12.9 Unfortunately the launch of the Charter has been delayed by PERP in relation to local and national elections, plus a current by election, however it is intended to launch the Charter in Hitchin prior to the festive season. Hitchin Pub Watch has viewed the video and was generally supportive. Officers will work with police colleagues to facilitate this initial launch and then expand to other towns in 2025.

Safeguarding

- 12.10 Although safeguarding is not a statutory licensing objective, which limits the council's opportunity to mandate additional safeguarding measures by licence holders, licensing policies can be used to highlight its expectations. This is particularly relevant given the council's commitment to White Ribbon and the Community Safety Partnership's VAWG priority.
- 12.11 As each policy is reviewed, paragraphs outlining expectations of all safeguarding measures are being incorporated. As part of inspection visits, officers will check whether licence holders understand their safeguarding responsibilities and are implementing appropriate measures.

- 12.12 This approach supplements the existing requirement for all taxi and private hire drivers to undertake basic safeguarding training on initial grant and at each licence renewal.

Income generation

- 12.13 Where permitted by licensing fee legislation and case law, the licensing service will be introducing charging for some discretionary services.
- 12.14 A mandatory licence condition requires any film exhibited to the public to either be classified by the British Board of Film Classification (BBFC) or the local licensing authority. There is an increasing number of small independent film makers locally where BBFC classification is cost prohibitive, therefore they come to the Council for film rating. This service was previously provided free however a charge has now been introduced based on full cost recovery. Consideration will need to be given to the impact of these charges on not-for-profit community organisations.
- 12.15 It is still planned to introduce pre-application advice for Licensing Act 2003 applications, like the service provided by planning. Customers currently using solicitors and licensing agents are paying considerable private sector fees to receive this advice.
- 12.16 A pre-application service covering advice on application content, appropriate forms, template newspaper and public notices, and referrals to appropriate responsible authorities will be introduced on a cost recovery basis. This will provide a more cost-effective alternative to customers and would facilitate the development of working relationships at an earlier stage.
- 12.17 The introduction of this service has been delayed due to staff turnover and work pressures however it is hoped to implement this in 2025.

Taxi and private hire project

- 12.18 An officer Task and Finish Group had been created to work with licence holders to review the whole application process to explore any options for improvements in efficiency. The remit was based on the question *'if you had a blank sheet of paper, what is the best licensing service that can be delivered?'*
- 12.19 As a result of the Group's work, a number of service improvements were trialled and subsequently adopted following positive feedback from licence holders.
- 12.20 Further trials are ongoing with the hope that further improvements to the service will be possible. Throughout this process, the North Herts Taxi Driver Association has been consulted and has been supportive.
- 12.21 Quarterly meetings continue between the North Herts Taxi Drivers Association, the relevant Executive Member, and the licensing and community safety manager. These meetings are welcomed by the Association as it ensures their opinions, concerns, or suggestions are heard by the council.
- 12.22 The final stage of this work is to incorporate the outcomes into the new policy that will subject to public consultation prior to consideration by the Licensing and Regulation Committee at a further meeting in February/March 2025.

HMO internal audit

- 12.23 When the licensing team inherited HMO licensing from environmental health, record keeping was poor, inspections had been missed, and the process was unclear and, in some cases, incomplete. This was due to the additional workload imposed by the pandemic and a shortage of officers.
- 12.24 HMO licensing was audited by the Shared Internal Audit Service (SIAS) in the reporting year with an outcome of a 'limited assurance' report. Eleven recommendations were made consisting of four high priority, four medium priority, and three low priority.
- 12.25 At the time of writing this report, nine of the recommendations have already been implemented and the remaining two are near completion resulting in a more robust and appropriate licensing process.

13. TEAM DEVELOPMENT

- 13.1 As a regulatory service, it is essential that officers are given development opportunities to expand their knowledge. This is important in delivering the best possible service to our customers whilst retaining officers for service resilience. The cost of relevant development can be included in the fee setting calculations.

Professional Licensing Practitioner Qualification

- 13.2 All four licensing officers have passed the above qualification offered by the Institute of Licensing.

QNUK Level 3 Award in Fire Risk Assessment

- 13.3 With the licensing service now having responsibility for HMO and Park Home licensing, it is important that the team upskill accordingly. Fire risk assessments and inspections are a key part of these licensing regimes therefore last year a senior officer undertook a Level 3 Award in Fire Risk Assessment.
- 13.4 The officer has successfully obtained the above qualification having completed an examination and submitting a full inspection report and risk assessment to demonstrate appropriate competencies. This has significantly increased the in-house resource for inspecting HMOs and Park Homes.

Professional development

- 13.5 The Council pays for membership of the Institute of Licensing for qualified officers which gives access to a range of professional CPD training. This reporting period, officers have undertaken courses covering:

- Caravan site licensing
- Crowd safety management and psychology
- Scrap metal licensing
- Fire safety in HMOs
- Advanced taxi licensing
- Street trading licensing
- Licensing enforcement skills
- Preparing for court

Apprentices

- 13.6 The service has shared an apprentice with the community protection service for several years which has proved an invaluable resource.
- 13.7 The licensing and community safety service has secured an apprentice until October 2025.
- 13.8 The apprentice is actively involved in the day-to-day administrative tasks of the service including undertaking vehicle compliance tests, driver knowledge tests, processing applications, accompanying officers on visits, etc.
- 13.9 It is hoped that the skills learning and development opportunities available during the apprenticeship will enable the apprentice to apply for jobs within the Council.

Team leader role

- 13.10 The introduction of the team leader role has allowed for professional development of the officer, coupled with resilience for the team.
- 13.11 This has allowed the licensing and community safety manager to step away from the day-to-day operational side of the team, which is now the team leader's responsibility, allowing additional focus on strategic planning and further channel shift.

14. FUTURE LEGISLATIVE CHANGES

- 14.1 The world of licensing has always been ever-changing however the number of planned legislative changes has the potential to significantly impact resources and existing projects. The following list is not exhaustive but contains the main proposals known to officers at the time of writing.

Skin piercing licensing scheme

- 14.2 The Health and Care Act 2022 contains a section enabling the Secretary of State to publish Regulations introducing a new licensing scheme for specified cosmetic procedures. This is the same legislative process that was included in the Animal Welfare Act 2006 and allowed the introduction of the new animal licensing regime by virtue of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 14.3 As detailed earlier in this report, skin piercing is currently only a registration scheme with surprisingly sparse entry requirements, for example no formal qualification for practitioners, and enforcement capabilities. The Government has indicated its intention to introduce a new licensing requirement for non-surgical cosmetic procedures to ensure public safety from these intrusive, and potentially dangerous, procedures.
- 14.4 Responsibility for the introduction, administration, and enforcement of the new licensing scheme will be the responsibility of local authorities. This will result in additional training requirements for licensing officers and an increased workload.
- 14.5 Government has recently concluded a consultation to determine how the licensing scheme should work, particularly what treatments should be covered and what level of qualification should be required.

The Animal Welfare (Primate Licences) (England) Regulations 2024

- 14.6 The above regulations will take effect from 6 April 2025 introducing the need for any person who keeps a primate in their possession (other than zoos or similar) to hold a licence.
- 14.7 This addresses concerns about the number of individuals that keep primates as pets without appropriate knowledge or understanding of the welfare needs of the kept species.
- 14.8 Responsibility for administering and enforcing this new licensing regime falls to local authorities which will require additional training of officers.

Supported Housing (Regulatory Oversight) Act 2023

- 14.9 The Act plans to introduce new standards for supported exempt accommodation and make changes to how this type of accommodation is regulated. Supported accommodation provides residents with care, supervision, or support. It is usually managed by a local authority, housing association, charity, or voluntary organisation. It also includes refuges and local authority hostels.
- 14.10 The Act allows the government to create new National Supported Housing Standards and introduce licensing regulations. Housing authorities are defined as the regulatory body, so this is likely to fall, at least in part, to the licensing service.
- 14.11 The Act provides a legal framework for introducing regulation, but the impact will depend on the regulations published by the government, and ongoing enforcement. The government started consultation on how the Act will be implemented in 2023. A further consultation is expected in 2024 with draft regulations.

PROTECT Duty

- 14.12 The Terrorism (Protection of Premises) Bill will require public venues to improve security and have more awareness of potential terrorist attacks. Public venue owners/operators will have a duty in law to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.
- 14.13 The legislation is more widely known as Martyn's Law after Martyn Hett who was one of the twenty-two people to die in the Manchester Arena bombing in 2017; his mother Figen Murray has campaigned for the measures to be introduced.
- 14.14 A significant number of licensed venues open to the public (capacities of 200 plus) will be covered by this duty and licensing officers will have a key role in raising awareness. The legislation hasn't yet completed its parliamentary passage however Government has undertaken wide consultation. The Security Industry Authority has recently been appointed as the national enforcement body.
- 14.15 Premises will fall within the scope of the duty where "qualifying activities" take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, places of worship, etc.
- 14.16 Officers will be working with licence holders and trade bodies to ensure that the legislation and statutory guidance is disseminated to premises owners covered by the duty.

Amendments to licensing policies are already in place, or in progress, to include reference to the duty in preparation for the enactment of the legislation. A PROTECT Action Plan is being written to ensure that all appropriate actions are taken by officers to raise awareness of the new duty.

15. APPENDICES

- 15.1 Appendix A Applications summary
- 15.2 Appendix B Licences summary
- 15.3 Appendix C Private hire driver decision notices (exempt from publication)

Number of applications received

		2019/20		2020/21		2021/22		2022/23		2023/24						
Hackney Carriage and Private Hire	Dual Driver	Change of name or address	5		3		2		0		3					
		Upgrade to dual	3		6		5		11		14					
		Replacement licence	2		1		1		0		0					
		Replacement badge	0		0		0		1		2					
		New	2		0		2		3		1					
		Renewal	24	36	35	45	31	41	18	33	23	43				
	Hackney Carriage Driver	Change of name or address	4		7		5		4		1					
		Replacement licence	1		0		0		3		1					
		Replacement badge	0		0		0		0		0					
		Upgrade from PHD	0		0		1		1		1					
		Renewal	35		38		38		24		27					
		New	0	40	0	45	4	48	0	32	2	32				
	Hackney Carriage Vehicle	Change of name or address	4		6		6		1		2					
		Transfer of ownership	14		33		16		30		20					
		New	61		23		25		35		39					
		Renewal	220		262		251		231		231					
		Replacement internal holder and plate	4		5		4		3		4					
		Replacement licence	0		2		2		0		3					
		Replacement plate	3		1		0		3		3					
		Temporary Vehicle Plate	6	312	5	337	11	315	7	310	3	305				
		Private Hire Driver	Change of name or address	5		4		2		3		5				
			Replacement badge	1		1		0		1		1				
	Replacement licence		1		0		1		2		1					
	Renewal		18		34		20		10		19					
	New		9		0		26		33		40					
	Upgrade to HCD		0	34	0	39	2	51	0	49	1	67				
	Private Hire Operator	Change of name or address	5		1		3		1		1					
		New	4		2		4		0		3					
		Renewal	6	15	0	3	3	10	3	4	3	7				
	Private Hire Vehicle	Change of name or address	5		0		1		1		2					
Transfer of ownership		2		2		8		20		25						
New		24		6		18		44		47						
Renewal		100		90		107		104		119						
Replacement internal holder and plate		0		2		2		1		0						
Replacement licence		0		0		0		1		0						
Replacement plate		2		1		3		2		2						
Temporary Vehicle Plate		4	137	574	0	101	570	2	141	606	12	185	613	0	195	649
Animal Licensing	Animal Activity Licence	New	3		7		10		5		12					
		Amend a schedule of animals (No visit)	0		1		0		0		0					
		Renewal	12	15	13	21	21	17	27	27	6	11	11	10	22	22
Scrap Metal	Site Licence	New	0		1		1		0		4					
		Renewal	2	2	1	2	1	2	2	2	2	6				
Collector Licence	New							1		0						
	Renewal		0		0	2		0	1	3	0	0	6			
Alcohol, Entertainment and Late Night Refreshment	Club Premises Certificate	Replacement Licence	0		0		0		0		2					
		Variation	0		0		0		1		0					
		Minor Variation	0	0	1	1	0	0	0	1	0	2				
	Film Classification	New	0	0	0	0	1	1	0	0	0	0				
	Temporary Event Notice	Late TEN	86		70		119		150		124					
		TEN	288	374	177	247	429	548	469	619	501	625				
	Personal Licence	New	58		50		62		46		70					
		Replacement licence	2		3		5		2		4					
		Change of name or address	14	74	27	80	33	100	19	67	23	97				
	Premises Licence	New	21		25		29		15		11					
		Change of name or address	5		15		8		14		9					
		Vary DPS	80		51		76		69		74					
		Transfer	26		12		17		12		22					
Variation		6		4		5		4		5						
Minor Variation		10		7		10		14		9						
Review		0		2		1		0		0						
Interim Authority Notice		0		0		1		1		0						
Replacement Licence		3		3		4		8		7						
Notification of Interest		0	151	599	2	121	449	3	154	803	4	141	828	1	138	862
Gambling	Notification of 2 or less Gaming Machines	New	8	8	5	5	3	3	3	3	2	2				
		Variation	1		0		1		0		0					
	Licensed Premises Gaming Machine Permits	Replacement licence	0		0		0		0		0					
		New	1		1		0		0		0					
		Transfer	0		0	1	0	1	0	0	1	1				
	Club Gaming Permit	New	0		0		0		0		0					
		Renewal	0	0	0	0	0	0	1	1	0	0				
Premises Licence	Replacement licence	0		5		0		0		3						

	Transfer	0	0		1	6		0	0		0	0		0	3		
	New	20			17			22			15			13			
	Renewal	44	64	74	54	71	83	58	80	84	73	88	92	70	83	89	
Charitable Collections	House to House Collection	New			38			33			32			25			
	Street Collection	New	34	63	63	16	54	54	30	63	63	26	58	58	40	65	65
Sex	Sex Shop	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hypnotism	Hypnotism Permit	New	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0
	Street Trading (Fixed Pitch)	New	4			5		2			5			7			
	Renewal	0	4		1	6		4	6		1	6		4	11		
	Street Trading (Town Centre Consent)	New	0			2		1			1			1			
	Renewal	4	4		1	3		3	4		1	2		3	4		
	Street Trading (Transient Trader)	New		0		0	0	0	0		0	0		0	0		
	Street Trading (Special Event/Market)	New	1	1		0	0	0	0		0	0		0	0		
	Pavement Licences	New	6	6	15	28	28	37	32	32	42	38	38	46	16	16	31
Houses of Multiple Occupancy	HMO Licence	New			HMO licensing was transferred to the licensing service on 01/01/2022			0				4			1		
	Temporary exemption							0				1			0		
	Renewal							1	1	1	2	7	7	23	24	24	
Mobile Home and Caravan Site Licensing	Caravan site licence	New			Mobile home and caravan site licensing was transferred to the licensing service on 01/01/2022			0				0			2		
	Renewal							0	0	0	0	0	0	0	2	2	
Skin Piercing	Skin piercing registration	Premises			Skin piercing registration was transferred to the licensing service on 01/01/2022			18				15			13		
		Personal						31				32			26		
		Variations						2	51	51	6	53	53	2	41	41	

TOTAL	1,342	TOTAL	1,216	TOTAL	1,679	TOTAL	1,712	TOTAL	1,791
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TOTAL LICENCES (valid at 30/09/2024)

	2019/20	2020/21	2021/22	2022/23	2023/24
Adult Gaming Centre Premises Licence	1	1	1	1	1
Animal Activity Licence	35	32	36	36	39
Betting (Other) Premises Licence	12	12	11	10	10
Club Gaming Machine Permit	2	2	2	1	0
Club Gaming Permit	1	1	1	1	1
Club Premises Certificate	31	31	30	30	30
Dual Driver	92	85	80	89	98
Fast Track Club Gaming Machine Permit	9	9	9	9	9
Fast Track Club Gaming Permit	2	2	2	2	2
Hackney Carriage Driver	119	109	102	94	86
Hackney Carriage Vehicle	195	187	175	166	161
House to House Collection	28	11	24	22	18
Hypnotism Permit	0	0	0	1	0
Licensed Premises Gaming Machine Permit	15	16	16	14	14
Notification of 2 or less Gaming Machines	78	77	78	79	79
Pavement Licences	6	24	20	21	13
Personal Licence	1,654	1,700	1,764	1,806	1,874
Premises Licence	475	495	512	512	514
Private Hire Driver	110	82	80	104	125
Private Hire Operator	32	26	22	19	21
Private Hire Vehicle	86	72	85	94	118
Scrap Metal Dealer Collector	0	0	0	1	1
Scrap Metal Dealer Site	4	4	5	5	7
Sex Shop	0	0	0	0	0
Small Society Lotteries	63	68	80	85	83
Street Collection	27	2	4	6	9
Street Trading (Fixed Pitch)	0	2	2	1	2
Street Trading (Town Centre Consent)	4	1	3	3	3
Street Trading (Special Event/Market Consent)	1	0	0	0	0
Unlicensed FEC Gaming Permit	1	1	1	1	1
Skin piercing: individual			113	173	196
Skin piercing: premises			73	150	163
Park Homes and Caravan Sites			10	10	10
Houses of Multiple Occupancy			41	38	34
	3,083	3,052	3,382	3,584	3,722

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By virtue of paragraph(s) 1,2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LICENSING AND REGULATION COMMITTEE
14 October 2024

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **GAMBLING ACT 2005**
 STATEMENT OF LICENSING PRINCIPLES 2025 – 2028

REPORT OF: LICENSING AND COMMUNITY SAFETY MANAGER

EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH

COUNCIL PRIORITY: PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE
 TOGETHER

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is for the Licensing and Regulation Committee to consider the draft Statement of Gambling Licensing Principles (“the policy”) prepared by officers, and the public consultation responses, and then 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 2025 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 Act requires the licensing authority to consult with a prescribed group of persons (see paragraph 9.3 of the report). Further information on the list of consultees is available in section A3.4 of the proposed policy.
- 5.2 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 2022 therefore the statutory three-year period expires on 2 January 2025.
- 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

Existing policy

- 8.1 Officers are of the view that in general terms the existing policy is working well, therefore, the minor changes proposed are those detailed below. The policy has been updated to reflect minor legislative changes and revised Statutory Guidance issued since its adoption.

Local area profile

- 8.2 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.

- 8.3 The local area profile included as Appendix A of the Policy has been updated in line with the latest available information.

Safeguarding

- 8.4 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.
- 8.5 The safeguarding paragraphs in section B11 of the existing policy have been rewritten to include separate sections on:
- General safeguarding matters
 - Violence against women and girls
 - White Ribbon
 - Child sexual exploitation

Consideration of consultation responses

- 8.6 **Appendix B** contains copies of consultation responses.
- 8.7 The response from Hertfordshire Public Health contains a wealth of information and statistics relating to the harm caused by gambling, and reference to the Hertfordshire Gambling Harms Strategy and Joint Strategic Needs Assessment.
- 8.8 Whilst some of the statistics are specific to North Hertfordshire, some are county-wide which makes it difficult to reference in the policy. Some suggestions relating to a public health approach to gambling is more suited to the public health work of the County Council.
- 8.9 Officers are of the view that the proposed policy adequately covers the harms raised in the representation that are relevant to the licensing objectives.
- 8.10 The response from GamCare is generally supportive of the proposed policy and the importance it places on the local area profile in decision-making.
- 8.11 The suggested public health approach to gambling is more suited to the responsibilities of Hertfordshire County Council and its Gambling Harms Strategy and Joint Strategic Needs Assessment.
- 8.12 The response from Hertfordshire Safeguarding Children Partnership outlines the importance of safeguarding issues related to gambling.
- 8.13 Officers are of the view that the expanded safeguarding section of the policy adequately represents the concerns raised.

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 2025 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

- 17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

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STATEMENT OF LICENSING PRINCIPLES 2025 - 2028

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.

PART A: INTRODUCTION AND DECLARATION

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:

“to put people first and deliver sustainable services, to enable a brighter future together”

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 Legal Services
- Hertfordshire County Council Safeguarding Children's Partnership
- 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 and Community Safety 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 (sites where races or other sporting events take place)
- 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 and Community Safety 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 Partnership 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 consider 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:

- it will act in accordance with the provisions of the Act;
- the Data Protection Act 2018 and General Data Protection Regulation 2016/679 will not be contravened;
- it will have regard to any Guidance issued by the Gambling Commission; and
- 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](#).

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 Part 7 of its Guidance to Licensing Authorities (last updated 19 April 2023) 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 or 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.

7.7.

The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.

7.8.

The Commission recognises that different configurations may be appropriate under different circumstances, but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.

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

General 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
 - violence against women and girls (VAWG)
 - domestic abuse

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, North Herts Council, and Hertfordshire Police, for example:

[Hertfordshire Safeguarding Adults Board | Hertfordshire County Council](#)
[Hertfordshire Safeguarding Children Partnership | Hertfordshire County Council](#)
[Safeguarding | North Herts Council \(north-herts.gov.uk\)](#)

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

Violence against women and girls (VAWG)

B11.4 The North Herts Community Safety Partnership, of which the Council is a statutory partner, has made VAWG one of its priorities. Tackling violence against women and girls is an essential part of the daytime and night-time economies in the district.

B11.5 The Council expects all gambling providers to build an atmosphere of transparency and safety in their premises for women who work at night, and to take all reasonable measures to ensure gambling premises are safe places for women to visit.

B11.6 The Council expects all licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night. This includes a duty to capture information and report to the police where appropriate.

B11.7 The Council has introduced a Women and Girls Safety Charter for alcohol licensed premises whereby VAWG training is given to staff in order to attain accreditation to the scheme. It is likely that the Charter will be extended to gambling premises in due course and all gambling premises will be strongly encouraged to attain accreditation.

White Ribbon

B11.8 The Council supports [White Ribbon](#), the UK's leading charity engaging men and boys to end violence against women and girls.

B11.9 This campaign is specifically aimed at men and boys, with a view to addressing the root causes of violence against women and girls.

B11.10 It focusses on expressions of masculinity leading to harmful attitudes and behaviours that perpetuate gender-based violence and seeks to change this cultural behaviour.

B11.11 The Council strongly encourages gambling providers to seek White Ribbon accreditation to ensure that women and girls feel safe visiting, or passing in the vicinity of, gambling premises.

Child sexual exploitation (CSE)

B11.12 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.

B11.13 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

B11.14 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.

B11.15 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.

B11.16 The Hertfordshire Safeguarding Children Partnership (HSCP) 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 HSCP 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 HSCP website for advice: [Hertfordshire Safeguarding Children Partnership | Hertfordshire County Council](#)

B11.17 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the local risk assessment.

B12. Environmental considerations

B12.1 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.

B12.2 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

B13. Public health and gambling

B13.1 The Council agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

- B13.2 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.
- B13.3 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.
- B13.4 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.
- B13.5 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.
- B13.6 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.
- B13.7 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 consider 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 consider 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
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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

D2.1.1 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.

D2.1.2 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 whist¹), 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:

¹ Standard 52 card trick-taking card game played between two pairs of players, governed by strict rules

- 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:
- the applicant does not fulfil the requirements for a members or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - 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:
- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - 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:
- licensed lotteries (requiring an operating licence from the Gambling Commission); or
 - 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
Review of a premises licence		All cases	
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
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
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

F4.1 Application forms, details of application fees and further guidance on the application process can be obtained from the [Council's website](#) or on the [Gambling Commission's website](#).

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 petition reasons 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 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
HSCP	Hertfordshire Safeguarding Children Partnership
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 of 1 July 2024, the number of licences, permits and registrations issued were as follows:

Casinos	0
Bingo premises	0
Betting shops	10
Track betting premises	0
Adult gaming centres	1
Gaming machine permits	106
Small society lotteries	81

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 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.
- A2.4 81% of residents (2023 survey) in North Hertfordshire are satisfied with their local area as a place to live.

A3 Population

- A3.1 The latest (mid-2022) estimate from the Office for National Statistics (ONS) puts the population of North Hertfordshire at 134,159 (65,127 males and 69,032 females). This indicates an estimated increase in population by 2% since 2014.
- A3.2 The number of households in North Hertfordshire was 56,700 in 2021.

A4 Age

- A4.1 The largest (5-year) age band in North Hertfordshire, in 2022 was 40-44 years olds which represents 7.1% 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 (2021) Census data estimates indicate that 19.4% of North Hertfordshire's residents are aged 65 and over.
- A4.4 Over 85's make up an estimated 2.9% of North Hertfordshire's population.
- A4.5 For 2021 the life expectancy at birth was 80.9 years for males and 83.2 years for females in North Hertfordshire. This is slightly higher than the County averages for males which is 80.7 and lower for females at 84.1
- 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-2019, 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 2021 Census, 13% of the North Hertfordshire population were from an ethnic minority background (defined as non-white British).
- A5.2 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.
- A5.3 In the 2021 census, 43.8% of North Hertfordshire residents identified themselves as Christian. 44.5% stated themselves to have no religion and 6% did not state a religious stance, with the next most prominent belief being Sikhism, with 1.7% of residents identifying themselves as Sikh.

A5.4 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.

A5.5 The Council would not ordinarily expect a gambling premises to be located in the vicinity of a Sikh temple.

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 2023, 80.9% of North Hertfordshire's working age population were employed whilst 5.1% of the working age population were unemployed. Of those in employment, 90.2% were employees and 9.8% 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. (96.3% of working-age males worked full time and 69.4% of working age females worked full time). 16.5% of the overall working age population of North Hertfordshire were working part time (9.1% N/A of working-age males and 30.6% 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 May 2024, 2.2% of North Hertfordshire's working age population were claiming these benefits.

A9 Updating the profile

- A9.1 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. All data analysis is taken from the [Herts Insight](#) and derived from the [Office for National Statistics](#) data sources.



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Director of Public Health
Sarah Perman
Hertfordshire County Council
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Farnham House
Postal point: SFAR232
Stevenage
Herts
SG1 2FQ

Date: 21/08/2024

Dear Steve,

Reference: **Gambling Statement of Principles Consultation**

Thank you for the opportunity to comment on the Gambling Statement of Principles consultation for North Herts.

Hertfordshire Gambling Harms Strategy and Joint Strategic Needs Assessment (JSNA)

Hertfordshire County Council will be launching a Gambling Harms Strategy by the end of 2024. It is currently out for public consultation: [Hertfordshire Gambling Harms Strategy 2024 | Hertfordshire County Council](#). One of the proposed strategic priorities is Influencing the licencing and regulatory environment to protect vulnerable residents from the harm caused by gambling and be clear on the individual roles of the County Council and District and Borough Councils.

The Hertfordshire JSNA Briefing: Gambling-related harms¹ was published in February 2022. It provides a wealth of evidence which is recommended to be referred to in the Gambling Statement of Principles.

Harm caused by problem gambling

The harms associated with problem gambling are wide-ranging. These include not only harms to the individual gambler but their children, their families, and their communities. According to a YouGov data on gambling treatment and support from 2020² around 7% of the population of Great Britain (adults and children) were found to be negatively affected by someone else's gambling, most commonly from an

¹ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](#)

² [gambling-treatment-and-support.pdf \(gambleaware.org\)](#)

immediate family member. The annual excess direct financial cost to government associated with harmful gambling is equivalent to £412.9 million. The annual societal value of health impacts is equivalent to between £635 and £1,355.5 million (in 2021 to 2022 prices). The total financial costs are approximated at £1.05 to £1.77 billion in 2023 nationally³.

Gambling-related harms can include the following:

- **Financial harms:** debt, bankruptcy, homelessness and child poverty
- **Relationships:** loss of trust, loneliness, separation, abuse
- **Mental and physical health:** depression, sleep problems, deaths from suicide
- **Employment and education:** unemployment, poor education
- **Criminal activity:** theft from family members and others

Gambling rates and density of gambling premises higher in areas of higher deprivation

[Data has been collected by Gamble Aware](#) for local authorities to have a clearer view on how the rates of gambling affected their population and how this compares nationally. The Problem Gambling Severity Index (PGSI) is a frequently used tool that helps to identify people experiencing problems or negative consequences from their gambling (problem & at-risk gamblers). This tool was specifically developed to be used in the general population rather than a clinical context. It has 9 questions and a possible score range of 0 to 27. A PGSI score of eight or more represents a person who is gambling at risky levels and is set as a common threshold for clinical diagnosis. Scores between three and seven represent 'moderate risk' gambling and a score of one or two represents 'low risk' gambling. For the 10 districts in Hertfordshire, the estimates are as the following from their Annual GB Treatment and Support Survey 2022 (table 1):

Table 1: Estimates of prevalence of gambling behaviour, fiscal costs and % of people seeking help

District	Prevalence of gambling behaviour			Estimated Fiscal Cost	% of people seeking help		
	PGSI1 +	PGSI3 +	PGSI8 +		PGSI1 +	PGSI3 +	PGSI8 +
National	13.4%	5.9%	2.9%	NA	14.8%	32.1%	65.5%
Broxbourne	14.4%	6.3%	4.0%	£2.1 million	15.1%	32.7%	66.0%
Dacorum	13.7%	6.1%	3.3%	£3.6 million	14.1%	31.5%	61.0%
East Herts	12.0%	4.8%	2.1%	£2.2 million	12.2%	29.0%	63.8%
Hertsmere	13.0%	5.8%	2.6%	£1.9 million	14.6%	31.0%	66.6%

³ [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

North Herts	12.5%	5.2%	2.5%	£2.2 million	14.3%	33.3%	68.4%
St Albans	12.1%	5.2%	2.4%	£2.5 million	13.3%	29.5%	64.0%
Stevenage	15.1%	6.3%	3.2%	£2.0 million	14.8%	32.9%	65.0%
Three Rivers	12.8%	5.5%	2.5%	£1.6 million	14.0%	30.8%	65.8%
Watford	15.1%	7.4%	3.9%	£2.6 million	19.6%	38.5%	71.4%
Welwyn Hatfield	13.8%	6.0%	3.0%	£2.6 million	15.8%	34.1%	66.0%

The data shows a total estimated fiscal cost of £23.3 million for Hertfordshire according to National Institute of Economic and Social Research (NIESR) for problem gambling (PGSI 8+) in 2023.

There are variable numbers of gambling premises in each district (table 2) and analysis in the Hertfordshire JSNA briefing: Gambling Related Harms⁴ showed that gambling premises clustered around areas with greater levels of deprivation. A commonly used unit of comparison is Lower layer Super Output Area (LSOA) which comprises between 400 and 1,200 households and have a usually resident population between 1,000 and 3,000 persons. In Hertfordshire, 41.0% of gambling premises were in LSOAs in the most deprived quintile of Hertfordshire whereas 2.56% of gambling premises were in LSOAs in the least deprived quintile of Hertfordshire.

Table 2: Type and total gambling premises by Hertfordshire district and rate of gambling premises per 100,000 adults aged 18 years and older by Hertfordshire district, September 2023⁵

District	Adult Gaming Centre	Betting Shop	Bingo	Total gambling premises	Premises per 100,000 adults aged 18+
Broxbourne	1	15	0	16	19.5
Dacorum	2	11	0	13	10.8
East Herts	0	13	0	13	11.1
Hertsmere	4	12	1	17	20.4
North Herts	1	9	0	10	9.5
St Albans	0	5	1	6	5.4
Stevenage	3	10	1	14	20.2
Three Rivers	0	6	0	6	8.3
Watford	1	15	2	18	22.9
Welwyn Hatfield	0	11	0	11	11.6
Hertfordshire	11	112	5	128	13.7

⁴ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](https://www.hertshealthevidence.org/gambling-related-harms-jsna-briefing-2022.pdf)

⁵ Source: Full premises register, The Gambling Commission, 2022; ONS 2020 Mid-Year Population Estimates, HertsInsight. [JSNA](#))

Increased risks of suicide from problem gambling

The Hertfordshire Suicide Prevention Strategy for 2025-2030 is currently being refreshed with district health and environmental leads involved in the development. The England Suicide Prevention Strategy⁶ released in September 2023, contains actions related to gambling. There is a clear relationship between gambling, financial issues and mental health, leading to depression, anxiety and in more serious cases, suicide ideation, attempts and taking of one's own life. It is important that this impact is recognised. This further impacts on families through bereavement, domestic abuse and impact on children and loved ones. The Hertfordshire Suicide Prevention Strategy for 2025-2030 will include priorities to reduce the harm caused by gambling.

Table 3: Number of deaths per year from suicide by Hertfordshire district.

District's based on number of cases	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2013-2022 Total per District
Dacorum	14	8	9	17	10	9	10	12	7	12	108
St Albans	11	7	10	13	14	6	8	8	11	7	95
East Herts	8	10	10	13	9	11	5	5	11	5	87
North Herts	12	7	6	11	10	11	9	4	12	4	86
Welwyn Hatfield	9	5	9	9	10	9	4	13	9	4	81
Hertsmere	7	5	11	15	8	10	5	7	6	3	77
Three Rivers	6	3	8	5	8	6	7	4	5	6	58
Broxbourne	7	6	4	6	13	5	3	11	4	3	62
Stevenage	6	3	7	11	8	3	5	4	2	1	50
Watford	1	2	3	5	12	6	8	6	4	7	54
Hertfordshire	81	56	77	105	102	76	64	74	71	52	758

Concerns about vulnerable people being harmed by gambling

Consideration for vulnerable people should be at the heart of licensing applications. This includes awareness of areas of deprivation and/or concentrated presence of children and young people (CYP) and other at-risk individuals within areas of a district.

CYP: While prevalence of gambling is lower in CYP, the rates are still alarming. The Young People and Gambling Survey (2019) found that the prevalence of problem gambling was 1.7% in a sample of 11-16 year olds and a further 2.7% were identified as at-risk gamblers. Around 11% had played a gambling game in the past 7 days

⁶ [Suicide prevention strategy for England: 2023 to 2028 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115222/suicide-prevention-strategy-for-england-2023-to-2028.pdf)

(13% boys and 7% girls) and gambling participation was highest for placing a private bet for money (e.g. with friends) (5%) and fruit or slot machines (4%)⁷. There is also increased concern over online gaming and gambling in CYP, with the Gambling Commission's report on gambling in young people suggesting that there has been an increase in playing for loot boxes in video games. A large-scale survey of 16- to -18-year-olds found a statistically significant link between loot box spending and problem gambling in older adolescents⁸.

Health/behaviour: Mental health conditions and behavioural characteristics are risk factors for gambling harms. These include depression, impulsive behaviour, low life satisfaction and wellbeing, high alcohol consumption, loneliness, violent and antisocial behaviour, and poor academic performance⁹.

Economic factors: Problem gambling is more frequent in those who are unemployed (2.1%) vs employed (0.7%) & those living in the most deprived quintiles compared to the least deprived (1.2% vs 0.2%). A survey found 42% of problem gamblers said they would gamble more over the next year due to the cost-of-living compared to 6% of the UK¹⁰.

Gender and age: Men are 4.2 times more likely to be harmful gamblers than women. Young to middle aged men have the highest prevalence of problem gambling⁹.

Ethnicity: Asian & British Asian groups have the lowest risk of gambling, but the highest risk of problem gambling. Ethnic minority groups are less likely to receive treatment for gambling harm¹⁰.

Homelessness and veterans: Studies indicate a link between homelessness and gambling; one survey found 11.4% of those experiencing homelessness reported problem gambling. One report suggested veterans were over 8 times more likely to be problem gamblers compared to non-veterans¹¹.

Assessing the cumulative impact

Hertfordshire Public Health recommends that the policy statement should also include that applications will be considered against the **cumulative impact** of applications locally to protect children and vulnerable persons from being harmed or exploited by gambling.¹²

We recommend all the above noted points are included within the appropriate sections of the Gambling Statement of Principles.

If you have any questions, please do not hesitate to contact me.

⁷ [Health Survey for England 2018: Supplementary analysis on gambling - NHS England Digital](#)

⁸ [Video game loot boxes are psychologically akin to gambling | Nature Human Behaviour](#)

⁹ [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

¹⁰ [Gambling-related harms evidence review: quantitative analysis of gambling involvement and gambling-related harms among the general population in England \(publishing.service.gov.uk\)](#)

¹¹ [Rates of Problematic Gambling in a British Homeless Sample: A Preliminary Study | Journal of Gambling Studies \(springer.com\)](#)

¹² [Gambling regulation: Government Response to the Committee's Second Report - Culture, Media and Sport Committee \(parliament.uk\); committees.parliament.uk/writtenevidence/122415/pdf/](#)

Kind regards,

Sarah Perman
Director of Public Health
Public Health
Hertfordshire County Council

The Safeguarding Children Partnership is nominated by the Council under section 157 of the Gambling Act 2005 as being the appropriate body to advise [insert name] Borough Council of any risks posed by the operation of premises providing gambling facilities to children and young people.

The activity of gambling can be harmful to people of all ages, but the law prohibits anyone under the age of 18yrs from gambling due to the significant harm that it can cause them.

The HSCP recognises that certain issues in relation to the protection of children from gambling are considered or regulated at a national level, for instance rules relating to advertising, general rules on access to premises and the availability of online gambling.

HSCP role is to focus on activities carried out a local level from physical premises in the County. HSCP's concerns will relate to preventing or controlling access to gambling premises and preventing the act of gambling by children. Risk assessments should identify risks and have measures in place to mitigate them. HSCP would expect operators to not allow the inside of the premises to be viewed and not to carry advertising on the front of its premises that may be attractive to children or contain images of popular professional sportsmen or celebrities that are likely to make gambling attractive to children.

Where gaming machines are provided in settings which children can access, for instance in pubs, clubs or family entertainment centres, the HSCP will expect the location of machines to be situated in areas where access to them, or the area, is controlled, clearly identified and under the physical supervision of a member of staff at all times.

Operators should consider a challenge 25 policy and the keeping of records such as challenge or refusal registers that provide evidence of the suitability of the procedures.

HSCP will also consider the wider picture of safeguarding of children – it would not normally be the case that the authorities would expect children to be present in or outside premises that provide gambling facilities. HSCP would expect operators to risk assess this, include it as part of their training procedures and be alert to instances where children and young people are regularly seeking access to the premises, being found inside premises or waiting outside premise for money or gifts from an adult who is gambling within.

GamCare's response to North Herts Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

GamCare's comments on the revision of the statement of principles:

- We welcome the position North Herts Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities.
- It is vital that North Herts Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see North Herts Council continue to commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, North Herts Council should continue to pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to North Herts Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins, Senior External Affairs Officer: pollyanna.hopkins@gamcare.org.uk

LICENSING AND REGULATION COMMITTEE
14 October 2024

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **ADOPTION OF A PAVEMENT LICENSING POLICY**

REPORT OF: **THE LICENSING AND COMMUNITY SAFETY MANAGER**

EXECUTIVE MEMBER: **HOUSING AND ENVIRONMENTAL HEALTH**

COUNCIL PRIORITIES: **PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER**

1. EXECUTIVE SUMMARY

The purpose of this report is to adopt a licensing policy for pavement licences, following the previous temporary licensing arrangements being permanently enacted into legislation.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to adopt the Pavement Licensing Policy attached as Appendix A.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The previous temporary licensing arrangements worked well therefore no further amendments are required, other than some clarification of previous condition wording.
- 3.2 The adoption of a policy ensures that applicants, licence holders, and the public have a clear understanding of the licensing process and objectives; it also ensures a consistent and transparent approach.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 No alternative options were considered as the previous temporary arrangements allowed all applications to be granted without unfair burden on businesses, whilst ensuring that pedestrians were not inconvenienced by additional street furniture.
- 4.2 All licensing policies are subject to regular review and this policy can be reviewed at the appropriate time to ensure it remains fit for purpose.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 No consultation has been undertaken with Members, it is the committee's role to consider the appropriateness of the proposed policy.

- 5.2 No public consultation was undertaken as the proposed policy document does not change the current conditions applied to all existing pavement licences issued under the temporary arrangements and will place no additional burden on them.
- 5.3 The policy includes provisions for public consultation regarding any future changes to the policy if it is determined appropriate to review standards in the future.

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 Pavement licences were first introduced as a temporary measure under the Business and Planning Act 2020 to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The temporary measures assisted businesses by introducing a reduced consultation and determination period, plus capped local fees, circumventing the historically longer and more expensive process under the Highways Act 1980.
- 7.2 The temporary arrangements were extended annually by Government to allow businesses to recover from the pandemic.
- 7.3 The Levelling Up and Regeneration Act 2023 subsequently made the temporary legislation permanent, but with some enhancements. The key features of the Business and Planning Act 2020 are retained but changes include an increase in the fee cap, provision that licences can be issued for up to two years, increased consultation and determination times, provision for a renewal process, and enforcement powers for local authorities.
- 7.4 There are national conditions relating to non-obstruction of footways and local authorities can determine their own local conditions.
- 7.5 This policy has regard to the Guidance issued by the Department for Housing, Local Government and Communities dated 2 April 2024.

8. RELEVANT CONSIDERATIONS

- 8.1. The local conditions imposed on licences under the temporary arrangements worked well and ensured a balance between aiding business recovery and ensuring footways remained unobstructed.
- 8.2 The conditions had been compared to other local authorities and were consistent with other local authorities. For that reason, no significant amendments are proposed.
- 8.3 The proposed policy deals with the new legislative powers available to the council and clearly sets out the process and timescales for applicants. It also sets out the proposed use of new enforcement powers.

- 8.4 Although the legislation does not provide an appeal to the courts, it is felt that best practice would allow for an internal appeal in cases where it is claimed that policy has not been correctly applied or where a decision seems unreasonable.
- 8.5 For that reason, the licensing team leader has been delegated powers to determine pavement licence applications as the officer responsible for day-to-day operational matters. An internal appeal is available to the licensing and community safety manager who can undertake an independent review of a decision having not been involved in the original decision.
- 8.6 The Service Director – Housing and Environmental Health has delegated powers to set the new pavement licence fees as part of the annual fee setting process in consultation with the Executive Member for Housing and Environmental Health.

9. LEGAL IMPLICATIONS

- 9.1. Section 8.2.3 states that the Licensing and Regulation Committee shall meet at least once per civic year:
- (a) ***to consider all licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub-Committee and the Service Director: Housing and Environmental Health***
 - (c) ***to consider and amend other non-executive licensing policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chair of Committee and the relevant Executive Member).***
- 9.2 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists *functions relating to pavement licences* as a function not to be the responsibility of an authority's executive.
- 9.3 The adoption of a pavement licensing policy is not an executive function, nor is it delegated to a licensing sub-committee or the relevant service director, therefore falls within the remit of the Licensing and Regulation Committee.
- 9.4 Whilst the policy proposes no significant change to the current administrative practices under the previous temporary arrangements, no formal policy exists, therefore this would not fall under the definition of a minor amendment for officers in consultation with the Chair and Executive Member.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.
- 10.2 Legislation permits the Council to recover its reasonable costs of administration and enforcement of the pavement licensing regime through licence fees, subject to a national maximum fee limit. Costings have proven that the reasonable costs of administration and enforcement can be covered by a fee less than the maximum cap.

- 10.3 Licence fees are set annually in accordance with the Medium-Term Financial Strategy and a resolution of the Licensing and Appeals Committee held on 12 December 2013.

11. RISK IMPLICATIONS

- 11.1 The provision of a robust, transparent policy will help mitigate the risk of formal complaints.

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 requires applicants to ensure that there is no obstruction of the footway, and that consideration should be given to persons with disabilities. There is a standard condition C14 that states:

In ensuring compliance with (a) above, the licence holder must have particular regard to the needs of disabled persons, in particular:

(e) ensuring a minimum clear space of 1500mm between any obstacle and the edge of the footway,

(f) any tables and chairs, and/or other objects, placed on the highway should not prevent or discourage disabled persons, older persons or those with mobility needs from using the footway,

(g) any barrier around an area permitted under the licence should be such that it is easily navigable by a visually impaired person, and

(h) any tables and chairs, and/or other objects, placed on the highway should be of reasonable substance such that it cannot be easily pushed or blown over by the wind causing further obstruction.

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 the adoption of this policy.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

16. APPENDICES

- 16.1 Appendix A Proposed pavement licensing policy

17. CONTACT OFFICERS

17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

18.1 None

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Pavement Licensing Policy

Effective from: 14 October 2024

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1. OVERVIEW AND SCOPE

1.1 The policy

1.1.1 This document states North Hertfordshire District Council's policy on pavement licensing as defined by the Business and Planning Act 2020 ("the Act").

1.2 The objectives of this policy

1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) **to enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, plus the surrounding villages;**
- (ii) **to encourage the provision of outdoor seating areas outside food and drink businesses by adopting a permissive policy, providing compliance with standard conditions can be met;**
- (iii) **to prevent nuisance on, and obstruction of, the highway outside businesses used for the consumption of food and/or drink, unsafe practices, and anti-social behaviour.**

1.3 The law

1.3.1 A pavement licence allows businesses such as cafes, restaurants, and bars to place removable furniture on the highway in order to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with, the use of the premises.

1.3.2 A pavement licence can only authorise areas immediately outside or adjacent to the premises. It cannot be used for a shared centralised area used by multiple business; such licences remain the remit of Hertfordshire County Council under Part VIIA of the Highways Act 1980.

1.3.3 Pavement licences were first introduced as a temporary measure under the Business and Planning Act 2020 to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The temporary measures assisted businesses by introducing a reduced consultation and determination period, plus capped local fees, circumventing the historically longer and more expensive process under the Highways Act 1980.

1.3.4 The Levelling Up and Regeneration Act 2023 subsequently made the temporary legislation permanent, but with some enhancements. The key features of the Business and Planning Act 2020 are retained but changes include an increase in the fee cap, provision that licences can be issued for up to two years, increased consultation and determination times, provision for a renewal process, and enforcement powers for local authorities.

1.3.5 This policy has regard to the Guidance issued by the Department for Levelling up, Housing and Communities dated 2 April 2024.

1.4 Scope of pavement licences

Types of business in scope

1.4.1 Any business which sells, or proposes to sell, food or drink for consumption (on or off the premises) can apply for a pavement licence. Businesses that are eligible include, but are not limited to:

- public houses
- cafes
- bars
- restaurants
- snack bars
- coffee shops

including where this is ancillary to another main another use, for example supermarkets, or entertainment venues which sell food and drink.

Permitted activities

1.4.2 A pavement licence permits the business to place removeable furniture on the pavement to:

- sell or serve food or drink; and/or
- allow it to be used by people for consumption of food or drink supplied from the premises.

Permitted locations

1.4.3 Pavement licences can only be granted in respect of highways listed in section 115A (1) Highways Act 1980. Generally, these are footways restricted to pedestrians, or are roads and places to which vehicle access is restricted or prohibited.

1.4.4 Highways maintained by Network Rail or over Crown land are exempt, therefore a licence cannot be granted.

1.4.5 A pavement licence can only be granted for an area of highway immediately outside or adjacent to the business location and must be for sole use of the licence holder's business.

1.4.6 A pavement licence can only be granted on sites where the placing of removable furniture will enable clear access routes for pedestrians considering the needs of all users, including disabled people. Ordinarily, this will mean a width of 1500mm between the furniture and the outside edge of the pavement, clear of any obstruction (including street furniture).

Permitted furniture

1.4.7 The furniture which may be used within the licensed area is:

- counters or stalls for selling or serving food or drink
- tables, counters or shelves on which food or drink can be placed
- chairs, benches, or other forms of seating

- menus and/or A boards
- umbrellas and heaters
- barriers around the seating area
- other articles used in connection with the outdoor consumption of food or drink

1.4.8 All furniture must be removable and related to the serving, sale, and consumption of food or drink from the premises. Permanent fixed structures are not permitted, and all furniture must be stored off the highway at the end of each day's trading.

Alternative permission outside of this policy

1.4.9 Applicants that wish to place furniture on the highway that does meet the criteria in this policy should contact Hertfordshire County Council and apply for permission under Part VIIA of the Highways Act 1980. This would include seating areas away from the premises, or communal areas in town centres (even if sub-divided per premises).

Sales of alcohol

1.4.10 Temporary amendments were made to the Licensing Act 2003 to allow businesses that had a premises licence under the Licensing Act 2003, which included the sale of alcohol for consumption on the premises, to automatically be given permission for off-sales of alcohol. This enables them to allow their customers to take alcohol, which they have bought on the premises outside and be consumed in the area covered by the pavement licence as an off sale.

1.4.11 This temporary arrangement only applies where the premises licence was issued before 22 July 2020 and is currently in place until 31 March 2025 but may not be extended beyond that date. If the date is not extended, paragraph 1.4.12 will apply.

1.4.12 Businesses holding a premises licence granted after 22 July 2020 will need to ensure that the premises licence either:

- include off sales of alcohol, or
- the outside area is included on the licence plan and forms part of the premises

if they want to allow customers to drink alcohol in the area covered by a pavement licence.

Planning permission

1.4.13 By virtue of The Business and Planning Act 2020, where a pavement licence is granted the licence holder will also benefit from deemed planning permission to use the land for the activities authorised by the licence.

Public Places Protection Orders (PSPOs)

1.4.14 In the event that North Hertfordshire District Council introduce a Public Places Protection Order which prohibits the drinking of alcohol in the street, the PSPO will not apply to the area covered by a pavement licence.

Fees

1.4.15 Although pavement licence fees are set locally, there is a government cap restricting the fees to a maximum of:

- New £500
- Renewal £350

1.4.16 In accordance with licence fee case law, the Council reviews fee levels on an annual basis and publishes the fees on its [website](#).

1.4.17 In setting its fees, the Council will seek to recover its reasonable costs of administration and enforcement, including but not limited to:

- all administrative work relating to pavement licence processing
- pre-determination inspections
- developing policy and maintaining the website
- ensuring compliance by pavement licence holders
- an appropriate proportion of the licensing service overheads

1.5 Policy duration and amendments

1.4.1 This policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, government guidance, and best practice.

1.4.2 Minor amendments to this policy, including but not limited to, those required by virtue of legislative changes, revised government guidance, policy clarifications, or a Council restructure, may be made by the Licensing and Community Safety Manager. Amendments under this section are restricted to those that do not change the main focus of the policy.

1.4.3 The policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the Licensing and Community Safety Manager in consultation with the Chair of the Licensing and Regulation Committee and the relevant Executive Member.

1.4.4 In the event of any significant amendment to the policy, a full public consultation will be undertaken prior to consideration by the Licensing and Regulation Committee. For the purpose of this section, a significant amendment is defined as one that:

- (i) will have significant financial impact on applicants, licence holders or the public; or
- (ii) will have a significant procedural impact on applicants, licence holders or the public; or
- (iii) may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

2. NEW APPLICATION PROCESS

2.1 The application

- 2.1.1 An application for a pavement licence must be made to the Council on a fully completed appropriate form, and accompanied by:
- a plan showing the location of the premises marked by a red line, so the application site can be clearly identified
 - a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must also show:
 - (i) the positions and number of the proposed tables and chairs
 - (ii) any other items of furniture to be placed on the highway
 - (iii) clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area
 - photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied
 - a photo showing that the applicant has met the requirement to put up a notice
 - a certificate of public liability insurance (see paragraph 2.1.2 below)
 - the appropriate fee
- 2.1.2 The applicant must hold public liability insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million before the licence can be utilised.
- 2.1.3 An application will not be considered valid and duly made until a fully completed application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.
- 2.1.4 An application form is provided on the Council's website and can be submitted in hard copy or online at licensing@north-herts.gov.uk
- 2.1.5 Payments can be made online through the [online payment portal](#).

2.2 Site notice

- 2.2.1 On the day the application for a pavement licence is made, the applicant must fix a notice of the application at the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises.
- 2.2.2 The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the site notice requirement having been complied with must be supplied to the Council.
- 2.2.3 The site notice must:
- state the type of application and the date on which it was made
 - state the statutory provisions under which the application is made
 - state the address of the premises and name of the business
 - describe the proposed use of the furniture

- indicate that representations relating to the application may be made to the Council during the public consultation period and the date when that period comes to an end (14 days, excluding public holidays, starting the day after the application is submitted to the authority)
 - state the Council's website where the application and any accompanying material can be viewed during the consultation period
 - state the address to which representations should be sent during the consultation period
- 2.2.4 A template site notice is provided on the Council's website. The applicant can use their own template provided it includes all information listed within paragraph 2.2.3 above.

2.3 Consultation

- 2.3.1 Applications are consulted upon for fourteen (14) calendar days, excluding public holidays, starting on the day after which a valid application is received by the Council.
- 2.3.2 The Council will publish details of applications on its public register, which also allows consultation comments to be submitted electronically.
- 2.3.3 The Council is required by law to consult with the Highway Authority; additionally, to ensure that there are no unacceptable detrimental effects arising from the application proposals, the Council will consult with other agencies and organisations as appropriate. Consultees may include, but are not limited to:
- Hertfordshire County Council (Highways)
 - Town centre management bodies (such as BIDs)
 - Hertfordshire Police
 - North Herts Council Environmental Health
 - North Herts Council Community Safety
- 2.3.4 From the day after the consultation period ends, the licensing team has fourteen (14) calendar days, excluding public holidays, to make a decision. If the Council fails to make a decision within the fourteen (14) days, tacit consent applies and the pavement licence will be deemed to be granted as applied for, subject to the standard conditions.
- 2.3.5 Members of the public, and any organisation listed in paragraph 2.3.3 above that have been invited to comment, can contact the Council to make representations. Any representation must relate to the specific application and its impact on the licensing objectives stated in section 1.2.
- 2.3.6 The Council must take into account representations received during the public consultation period and consider these when determining the application.

2.4 Site assessment

- 2.4.1 In order to fully consider the suitability of the application, the Council and consultees should assess the proposed site, and furniture proposed to be included. Matters to be considered include, but are not limited to:
- public health and safety

for example, are there sufficient barriers between the licensed area and the carriageway? is there a part of the proposed area available for non-smokers? is the proposed area free from nearby dangers such as unsafe overhanging structures?

- public amenity
for example, will the proposed use create nuisance to neighbouring properties by generating anti-social behaviour, unreasonable noise, or litter?
- accessibility
for example, will the proposed area adversely impact on the ability of all persons to safely use the highway, with particular consideration for persons with disabilities?

2.4.2 The Council will take a proportionate approach to considering these issues and may consider information such as, but not limited to:

- any temporary measures in place near the proposed site, for example road works, experimental pedestrianisation, etc.
- any permanent street furniture that may impact on accessibility, for example road/information signage, planters, benches, etc.
- the proximity of, and likely impact on, neighbouring businesses
- usage of the highway in the vicinity of the proposed site, for example volumes of pedestrian movements
- the cumulative impact of multiple pavement licences in close proximity, with particular consideration to the needs of persons with disabilities
- likelihood of queuing on the highway, for example a restaurant next to a busy pub

2.4.3 In order to allow pedestrians to safely pass in both directions on the highway, including those with impaired mobility, a minimum width of 1500mm will be required between the edge of the licensed area and the edge of the highway. This 1500mm width must be free of any other street furniture to provide unimpeded access.

2.4.4 To assist visually impaired persons, a barrier with 'tap rail' will ordinarily be required around the licensed area in areas of high footfall.

2.4.5 Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, taking likely issues around noise and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have to also place tables and chairs on the highway and plans for customers to queue outside.

2.5 Determination

2.5.1 Once a complete application is submitted, the Council has twenty-eight (28) calendar days, excluding public holidays, from the day after the application is made to consult on and determine the application. This consists of:

- fourteen (14) calendar days, excluding public holidays, for public consultation, and
- fourteen (14) calendar days, excluding public holidays, to consider and determine the application after the consultation

2.5.2 The determination will be made by the Licensing Team Leader, or any officer authorised to act in their absence.

- 2.5.3 The Council must take into account representations received during the public consultation period and consider these when determining the application.

Applications determined within the prescribed period

- 2.5.4 Where an application is determined prior to the end of the twenty-eight (28) day, excluding public holidays, determination period, the Council can:
- grant the licence in respect of any or all of the purposes specified in the application
 - grant the licence for some or all of the part of the highway specified in the application
 - impose specific conditions in addition to the Council's standard conditions
 - refuse the application

The standard licence conditions in **Appendix A** will be applied to all licences unless otherwise stated on the licence.

Tacit consent

- 2.5.5 Where an application is not determined prior to the end of the twenty-eight (28) day, excluding public holidays, determination period, tacit consent will apply.
- 2.5.6 This means the application will be deemed to have been granted as requested for a period of two (2) years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.
- 2.5.7 Any licence granted under tacit consent will be subject to the standard licence conditions in **Appendix A**.

2.6 Trading hours

- 2.6.1 The Council will ordinarily only grant pavement licences with operating hours between 08:00hrs and 22:00hrs.
- 2.6.2 Applicants are encouraged not to apply for trading outside of these hours, as there will ordinarily be a presumption to refuse additional hours.
- 2.6.3 Applications outside these hours will be assessed in terms of the criteria in paragraph 2.4 above regardless of whether objections have been made or not. In order to prevent unreasonable nuisance and promote licensing objective 1.2.1. (iii), additional trading hours will ordinarily be refused save in exceptional circumstances.
- 2.6.4 The Council retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

2.7 Licence duration

- 2.7.1 If the Council determines an application before the end of the determination period the Council can specify the duration of the licence, subject to a minimum duration of three (3) months.

- 2.7.2 Licences will ordinarily be granted licences for two (2) years unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.
- 2.7.3 If a licence is deemed granted under tacit consent, because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two (2) years.

3. RENEWAL APPLICATION PROCESS

3.1 The renewal application

- 3.1.1 An application to renew an existing licence will be accepted where there are no proposed changes to the previously approved layout and furniture. If changes are proposed, ordinarily a new application will be required.
- 3.1.2 An application for the renewal of a pavement licence must be made to the Council on a fully completed appropriate form, and accompanied by:
- Either:
a recent dated photograph showing the chairs and tables and/or other furniture in situ in accordance with the approved licence plan
Or
plans in accordance with the requirements of paragraph 2.1.1 above
 - a certificate of public liability insurance covering third party and public liability risks to a minimum value of £5 million
 - the appropriate renewal fee

no later than twenty-eight (28) calendar days prior to the expiry of the existing licence to ensure continuity of trading.

- 3.1.3 An application will not be considered valid and duly made until a fully completed application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.
- 3.1.4 An application form is provided on the Council's website and can be submitted in hard copy or online at licensing@north-herts.gov.uk
- 3.1.5 Payments can be made online through the [online payment portal](#).

Failure to renew on time

- 3.1.6 **Where an application for renewal has not been made, or has not been determined, prior to the expiry of the existing pavement licence, the licence ceases to exist and:**
- **all furniture must be removed from the previously licensed area**
 - **the outdoor area must not be used for the consumption of food and drink**
- until such time as a licence has been granted.**

3.2 Site notice

- 3.2.1 On the day the application for a pavement licence is made, the applicant must fix a notice of the application at the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises.
- 3.2.2 The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the site notice requirement having been complied with must be supplied to the Council.
- 3.2.3 The site notice must:
- state the type of application and the date on which it was made
 - state the statutory provisions under which the application is made
 - state the address of the premises and name of the business
 - describe the proposed use of the furniture
 - indicate that representations relating to the application may be made to the Council during the public consultation period and the date when that period comes to an end (14 days, excluding public holidays, starting the day after the application is submitted to the authority)
 - state the Council's website where the application and any accompanying material can be viewed during the consultation period
 - state the address to which representations should be sent during the consultation period
- 3.2.4 A template site notice is provided on the Council's website. The applicant can use their own template provided it includes all information listed within paragraph 2.2.3 above.

3.3 Consultation

- 3.3.1 Applications are consulted upon for fourteen (14) calendar days, excluding public holidays, starting on the day after which a valid application is received by the Council.
- 3.3.2 The Council will publish details of applications on its [public register](#), which also allows consultation comments to be submitted electronically.
- 3.3.3 The Council is required by law to consult with the Highway Authority; additionally, to ensure that there are no unacceptable detrimental effects arising from the application proposals, the Council will consult with other agencies and organisations as appropriate. Consultees may include, but are not limited to:
- Hertfordshire County Council (Highways)
 - Town centre management bodies (such as BIDs)
 - Hertfordshire Police
 - North Herts Council Environmental Health
 - North Herts Council Community Safety

Consultees will be advised that the application is a renewal and that there will be a presumption to grant unless there is evidence that the licensing objectives, or requirements of this policy, are not being met.

- 3.3.4 From the day after the consultation period ends, the licensing team has fourteen (14) calendar days, excluding public holidays, to make a decision. If the Council fails to

make a decision within the fourteen (14) days, tacit consent applies and the pavement licence will be deemed to be granted as applied for, subject to the standard conditions.

3.3.5 Members of the public, and any organisation listed in paragraph 3.3.3 above that have been invited to comment, can contact the Council to make representations. Any representation must relate to the specific application and its impact on the licensing objectives stated in section 1.2.

3.3.6 The Council must take into account representations received during the public consultation period and consider these when determining the application, however there will be a presumption that the renewal will be granted unless evidence is supplied that the licensing objectives are no longer being met.

3.4 Site assessment

3.4.1 In order to fully consider the suitability of the application, the Council and consultees should assess the proposed site, and furniture proposed to be included. Matters to be considered include, but are not limited to, those listed in section 2.4 above.

3.5 Determination

3.5.1 Once a complete application is submitted, the Council has twenty-eight (28) calendar days, excluding public holidays, from the day after the application is made to consult on and determine the application. This consists of:

- fourteen (14) calendar days, excluding public holidays, for public consultation, and
- fourteen (14) calendar days, excluding public holidays, to consider and determine the application after the consultation

3.5.2 The determination will be made by the Licensing Team Leader, or any officer authorised to act in their absence.

3.5.3 The Council must take into account representations received during the public consultation period and consider these when determining the application, however there will be a presumption to grant the renewal unless there is evidence that the licensing objectives or requirements of this policy are not being met.

Applications determined within the prescribed period

3.5.4 Where an application is determined prior to the end of the twenty-eight (28) day, excluding public holidays, determination period, the Council can:

- grant the licence in respect of any or all of the purposes specified in the application
- grant the licence for some or all of the part of the highway specified in the application
- impose specific conditions in addition to the Council's standard conditions
- refuse the application

The standard licence conditions in **Appendix A** will be applied to all licences unless otherwise stated on the licence.

Tacit consent

- 3.5.5 Where an application is not determined prior to the end of the twenty-eight (28) day, excluding public holidays, determination period, tacit consent will apply.
- 3.5.6 This means the application will be deemed to have been granted as requested for a period of two (2) years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.
- 3.5.7 Any licence granted under tacit consent will be subject to the standard licence conditions in **Appendix A**.

3.6 Trading hours

- 3.6.1 The principles of section 2.6 apply.

3.7 Licence duration

- 3.7.1 Licences will ordinarily be granted licences for two (2) years unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.
- 3.7.2 If a licence is deemed granted under tacit consent, because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two (2) years.

4. LICENCE CONDITIONS

Standard conditions

- 4.1 All pavement licences granted by the Council will be subject to the standard conditions contained within **Appendix A**, save for exceptional circumstances when they may be varied. Any variation will be detailed on the licence.
- 4.2 The Licensing and Community Safety Manager is authorised to alter or amend the conditions added to a licence based on the individual circumstances of each application.
- 4.3 There is no right of appeal against the Council's decision to impose conditions on a licence, including any amendment to the standard conditions in **Appendix A**.
- 4.4 The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:
- a no-obstruction condition
 - a smoke free seating condition

The standard conditions in **Appendix A** include these national conditions.

Specific conditions

- 4.5 For some applications, the standard conditions may be insufficient and additional specific conditions may be required.
- 4.6 Applications will be assessed on a case-by-case basis with regard to the licensing objectives and the criteria set out in Part 2.
- 4.7 Where specific conditions are included on a licence in addition to the standard conditions, the applicant will be given an explanation of the reasoning.
- 4.8 Site specific conditions will be added to each licence covering:
- hours of trading
 - days of trading
 - furniture permitted and its location
 - the authorised layout plan for the site

Additional conditions imposed by Government

- 4.9 The Act also allows for the Secretary of State to specify, via Regulations, further national conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this policy will be amended to reflect them, and all licence holders will be notified of any changes to their licences.

5. REFUSAL OF APPLICATIONS

- 5.1 If the site is deemed unsuitable for a pavement licence, based on the requirements of this policy, irrespective of whether relevant representations are made, then the Licensing and Community Safety Manager can refuse the application.
- 5.2 Wherever possible conditions will be considered to mitigate any concerns, however if this is not practicable, the application will be refused.
- 5.3 There is no statutory right of appeal to the courts against a decision to refuse an application.
- 5.4 To ensure transparency and fairness, if an applicant believes a decision to refuse is not consistent with this policy, they can submit a written representation to the Licensing and Community Safety Manager.
- 5.5 The representation must be received within fourteen (14) calendar days of being notified of the refusal and contain the reasons why the decision should be reviewed.
- 5.6 The Licensing and Community Safety Manager will review the decision, and notify the applicant of the outcome, within twenty-eight (28) calendar days of receipt of the representation.

6. ENFORCEMENT

- 6.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.

- 6.2 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy.
- 6.3 The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and may be dealt with by the Highways Authority or the Police.

Breach of conditions

- 6.4 If a licence condition is breached, the Council will be able to issue a notice requiring the breach to be remedied.
- 6.5 If the licence holder fails to adhere to the notice, the Council may:
- amend the licence (with the consent of the licence-holder),
 - revoke the licence, or
 - the Council can remedy the breach and recover any costs of so doing from the licence holder

Revocation

- 6.6 The Council may revoke a licence in the following circumstances:
- if it considers that the highway is no longer suitable for the use as granted by, or deemed to be granted by, the licence.
(for example, the licenced area is no longer to be pedestrianised)
 - if there is evidence that there are risks to public health or safety.
(for example, where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion)
 - if there is evidence that this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition
(for example, the arrangement of street furniture prevents disabled people, older people, or wheelchair users to pass along the highway or have normal access to the premises alongside the highway)
 - if there is evidence that the use is causing, or risks causing, anti-social behaviour or public nuisance
(for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up)
 - it comes to light that the applicant provided false or misleading statements in their application (for example, they are operating a stall selling hot food but had applied for a licence where tables and chairs on which drinks could be consumed)
 - if there is evidence that the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period
 - failure to rectify a breach of licence
- 6.7 When a licence is revoked, the Council will give full reasons for the revocation.
- 6.8 The decision to revoke a licence will be made by the Licensing Team Leader or an authorised officer acting on their behalf.

- 6.9 If the licence holder consents to the licence being amended to resolve the issue, the licence may be amended instead of revocation.
- 6.10 There is no statutory right of appeal to the courts against a decision to revoke a licence.
- 6.11 To ensure transparency and fairness, if an applicant believes a decision to revoke is not consistent with this policy, they can submit a written representation to the Licensing and Community Safety Manager.
- 6.12 The representation must be received within fourteen (14) calendar days of being notified of the refusal and contain the reasons why the decision should be reviewed.
- 6.13 The Licensing and Community Safety Manager will review the decision, and notify the applicant of the outcome, within twenty-eight (28) calendar days of receipt of the representation.

Unauthorised furniture on the highway

- 6.14 In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, the Council can give notice requiring the business to remove the furniture before a specified date and to cease putting furniture on the highway unless they obtain a licence.
- 6.15 If furniture continues to be placed on the highway in violation of the notice, the Council may:
- remove and store the furniture
 - recover the costs from the business for the removal and storage of the furniture
 - refuse to return the furniture until those costs have been paid.
- 6.16 If the costs are not paid within three (3) months of the notice, the Council can dispose of the furniture by sale or other means and retain the proceeds.

7. GENERAL

- 7.1 Obtaining a licence does not circumvent the need for the licence holder to comply with other legislation that may apply, e.g. health & safety at work, food hygiene and safety, alcohol and entertainment licensing. Applicants must ensure all such permissions are in place prior to applying.
- 7.2 Nothing connected with the grant of a licence shall be construed as the grant or purported grant by the Council of any tenancy protected by the Landlord and Tenant Act 1954, or any permission under the Town and Country Planning Act 1990, or any statutory modification or re-enactment thereof for the time being in force.

Exclusivity

- 7.3 Permission to operate a pavement licence does not confer an exclusive right to the area of public highway.
- 7.4 The licence holder should be aware that Hertfordshire County Council, North Hertfordshire District Council, and others (for example police, fire authority, highway

contractors, ambulance, undertakers) will need access at various times, including emergencies, for maintenance, installation, special events, improvements, or any other reasonable cause.

- 7.5 This may mean that the pavement licence area will need to cease operating and/or all furniture be removed for an appropriate period of time. On these occasions there would be no compensation for loss of business.

8. TRANSITIONAL ARRANGEMENTS

- 8.1 Existing licence holders can continue to use their pavement licences granted prior to the adoption of this policy until the expiration date on that licence. These licences can be renewed in accordance with Part 3 of this policy.
- 8.2 Existing licences determined before the 31 March 2024 under the temporary licensing regime will be subject to the enforcement powers set out in this policy.
- 8.3 Businesses that do not have a current pavement licence, granted under the temporary regime, will need to make a new application for a pavement licence.

9. DEPARTURE FROM POLICY

- 9.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the principles set out therein.
- 9.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.
- 9.3 Where an applicant is able to demonstrate that a departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing and Community Safety Manager may authorise a licence to be issued.

10. DEFINITIONS

Term	Definition
the Act	Business and Planning Act 2020
Authorised Officer	an officer of the Council authorised to act in accordance with the provisions of the Business and Planning Act 2020 (and any subsequent Regulations made thereunder)
the Council	North Hertfordshire District Council
the highway	footways and carriageways
Licensing and Community Safety Manager	the current postholder (or the equivalent post following any restructure) or an authorised officer acting on their behalf
Licensing Team Leader	the current postholder (or the equivalent post following any restructure) or an authorised officer acting on their behalf
pavement	footways restricted to pedestrians, or are roads and places to which vehicle access is restricted or prohibited

APPENDIX A

STANDARD PAVEMENT LICENCE CONDITIONS

Unless otherwise stated on the pavement licence, these conditions will be automatically imposed on all pavement licences granted by the council

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted under tacit consent, the applicant is deemed to be a licence holder and is required to comply with all of the below conditions.

C1

This licence is non-transferable, and its permissions are restricted to the use of the business occupying the premises named on the licence.

C2

The area named on the licence is permitted solely for the purpose of consuming food and drink purchased from the premises named on the licence.

C3

The preparation of any food and drink in the area named on the licence is prohibited.

C4

- (a) Nothing contained within this licence gives the licence holder permission to make fixtures to, or excavations of any kind in, the surface of the highway which shall be left entirely undisturbed.
- (b) Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recoverable in full from the licence holder by the Hertfordshire Highway Authority.

C5

The holder of the licence shall make no charge for the use of the permissions granted by this licence.

C6

The licence holder must ensure that any alcohol sold from the premises, to be consumed in the licensed area, is in compliance with a relevant permission under the Licensing Act 2003.

C7

The Council reserves the right to add/amend conditions, or to suspend or revoke the licence, if the licence holder breaches, or does not prevent breaches, of any of the licence conditions.

C8

Licence holders will be required to clearly define the permitted area using barriers or other furniture approved by the Council, where practicable, and shown on the plan attached to the licence.

C9

- (a) The licence holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables, and/or other objects.
- (b) For this purpose, the licence holder must take out at their expense a policy of third party and public liability risk insurance, approved by the Council, in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.

C10

The licence holder shall make no claim or charge against the Council in the event of the chairs or tables, and/or other objects, being lost, stolen or damaged in any way from whatever cause.

C11

All waste, refuse or litter directly associated with the use of the area permitted by this licence must be cleared from the permitted area and the immediate vicinity at the end of each trading day and periodically throughout daily use as required.

C12

All tables and chairs, and/or other objects, placed on the highway under the permission of this licence must be kept in good repair and condition at all times.

C13

The licence holder shall remove the tables and chairs, and/or other objects, from the highway and store them inside the premises:

- (a) outside the hours permitted by the licence; and
- (b) immediately if required to do so in order to permit works on, or the use of, the highway by the Council, County Council, police, fire service, ambulance service, any utility contractor, hearses, or removal vans.

C14

The licence holder must ensure that anything they do in pursuant of this licence, or any activity of other persons which is enabled by this licence, must not cause an obstruction to:

- (a) preventing traffic, other than vehicular traffic, from:

- (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway;
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order;
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway; or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

In ensuring compliance with (a) above, the licence holder must have particular regard to the needs of disabled persons, in particular:

- (e) ensuring a minimum clear space of 1500mm between any obstacle and the edge of the footway,
- (f) any tables and chairs, and/or other objects, placed on the highway should not prevent or discourage disabled persons, older persons or those with mobility needs from using the footway,
- (g) any barrier around an area permitted under the licence should be such that it is easily navigable by a visually impaired person, and
- (h) any tables and chairs, and/or other objects, placed on the highway should be of reasonable substance such that it cannot be easily pushed or blown over by the wind causing further obstruction.

C15

The licence holder should ensure that there is suitable provision for tables and chairs where smoking is not permitted by customers. This should include:

- (a) clearly identifiable smoking and non-smoking areas with no smoking signage displayed in the non-smoking areas,
- (b) no ash trays or similar receptacles to be provided or permitted on furniture in non-smoking areas, and
- (c) a minimum distance of 2000mm between smoking and non-smoking areas wherever practicable

C16

A pavement licence does not imply an exclusive right to the area of public highway. The licence holder should be aware that Hertfordshire County Council, North Hertfordshire District Council, and others (for example police, fire authority, highway contractors, ambulance, undertakers) will need access at various times, including emergencies, for maintenance, installation, special events, improvements, or any other reasonable cause. This may mean that the pavement licence area will need to cease operating and/or all

furniture be removed for an appropriate period of time. On these occasions there would be no compensation or loss of business.

C17

The licence holder shall not use, or allow to be used, any music playing, music reproduction, or sound amplification apparatus, or any musical instruments, radio, or television receiving sets, in the area of the highway covered by the licence.

C18

During the hours of darkness, the licence holder will ensure that suitable and sufficient lighting is provided to ensure safe use of the area. Any proposals to provide permanent additional lighting to the licensed areas must be agreed with the Highway Authority.

C19

The licence holder shall ensure that a copy of the pavement licence is displayed on the premises where it may be easily seen by customers.

C20

The licence holder must ensure that the area covered by the licence is regularly monitored by staff to ensure that all of the conditions above are being adhered to.

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LICENSING AND REGULATION COMMITTEE
14 October 2024

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **ADOPTION OF A STREET TRADING LICENSING POLICY**

REPORT OF: **THE LICENSING AND COMMUNITY SAFETY MANAGER**

EXECUTIVE MEMBER: **HOUSING AND ENVIRONMENTAL HEALTH**

COUNCIL PRIORITIES: **PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER**

1. EXECUTIVE SUMMARY

The purpose of this report is to adopt a street trading policy incorporating minor amendments to the existing policy.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to adopt the Street Trading Licensing Policy attached as Appendix A.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The current policy is working well however some minor amendments are needed to ensure it remains fit for purpose.
- 3.2 The adoption of a policy ensures that applicants, licence holders, and the public have a clear understanding of the licensing process and objectives; it also ensures a consistent and transparent approach.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 No alternative options were considered as the previous policy is working well save for the minor amendments proposed.
- 4.2 All licensing policies are subject to regular review and this policy can be reviewed at the appropriate time to ensure it remains fit for purpose.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 No consultation has been undertaken with Members, it is the committee's role to consider the appropriateness of the proposed policy.

- 5.2 No public consultation was undertaken as the proposed policy only includes minor amendments that are not required to be subject to public consultation by virtue of section 4 of the existing policy.
- 5.3 The policy includes provisions for public consultation regarding any future changes to the policy if it is determined appropriate to review standards in the future.

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 Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.
- 7.2 On 26 April 2005, the Council resolved to make all streets within the conurbations of Baldock, Hitchin, Letchworth Garden City and Royston consent streets, with the exception of any streets designated as prohibited streets. It further resolved to make arterial roads within the District of North Hertfordshire consent streets but with trading limited to lay-bys only. The resolution also stated that no street within the District shall be a licence street.
- 7.3 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading.
- 7.4 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence Streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 7.5 In order to ensure the policy remains fit for purpose, regular reviews should be undertaken. The recent review identified some minor amendments which have been included in the proposed policy.

8. RELEVANT CONSIDERATIONS

- 8.1. In order to assist the committee, amendments in the proposed policy have been included as track changes.

Pavement licences

- 8.2 Whilst the temporary pavement licence arrangements were in place, the street trading policy made reference to them. Now that legislation has been enacted to formalise pavement licensing, the policy has been amended to reflect this.

Anti-social behaviour

- 8.3 The fourth licensing objective included in section 1.2.1 makes reference to preventing anti-social behaviour related to street trading. To ensure transparency, the community safety team has been added as a consultee.
- 8.4 An additional key consideration has been added to the reasons why an application may be refused in section 3.4.1 to highlight the consideration of anti-social behaviour.

Rights of appeal

- 8.5 Although the legislation does not provide an appeal to the courts, it is felt that best practice would allow for an internal appeal in cases where it is claimed that policy has not been correctly applied or where a decision seems unreasonable.
- 8.6 For that reason, the licensing team leader has been delegated powers to determine street trading licence applications as the officer responsible for day-to-day operational matters. An internal appeal is available to the licensing and community safety manager who can undertake an independent review of a decision having not been involved in the original decision.

Enforcement

- 8.7 To assist with fairness and transparency, Part 5 of the policy has been expanded to set out the various enforcement options available for breaches of licence condition.
- 8.8 It also sets out the circumstances when licences may be revoked and the internal appeal mechanism if a licence holder disagrees with a revocation.

9. LEGAL IMPLICATIONS

- 9.1. Section 8.2.3 states that the Licensing and Regulation Committee shall meet at least once per civic year:
- (a) ***to consider all licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub-Committee and the Service Director: Housing and Environmental Health***
 - (c) ***to consider and amend other non-executive licensing policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chair of Committee and the relevant Executive Member).***
- 9.2 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists *power to license market and street trading* as a function not to be the responsibility of an authority's executive.
- 9.3 The adoption of a street trading licensing policy is not an executive function, nor is it delegated to a licensing sub-committee or the relevant service director, therefore falls within the remit of the Licensing and Regulation Committee.

- 9.4 Whilst the proposed policy includes no significant change to the existing policy, therefore would ordinarily fall under the definition of a minor amendment for officers in consultation with the Chair and Executive Member, it is appropriate for the committee to consider this policy as part of this meeting.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.
- 10.2 Legislation permits the Council to recover its reasonable costs of administration and enforcement of the street trading licensing regime through licence fees.
- 10.3 Licence fees are set annually in accordance with the Medium-Term Financial Strategy and a resolution of the Licensing and Appeals Committee held on 12 December 2013.

11. RISK IMPLICATIONS

- 11.1 The provision of a robust, transparent policy will help mitigate the risk of formal complaints.

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 requires applicants to ensure that there is no obstruction of the highway, and that consideration should be given to persons with disabilities. There is a standard condition 8 in appendix E of the policy that states:

The Consent Holder shall not cause any obstruction of the street or cause danger to any persons using it and shall not do anything, or permit anything to be done, which, in the opinion of an Authorised Officer of the Council, may be deemed a nuisance or annoyance or danger to any member of the public. Particular regard shall be given to persons with disabilities when ensuring no obstruction is caused.

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 the adoption of this policy.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

16. APPENDICES

16.1 Appendix A Proposed street trading licensing policy

17. CONTACT OFFICERS

17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

18.1 None

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Street Trading Licensing Policy

Effective from: 14 October 2024

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1.0 INTRODUCTION

1.1 The policy

- 1.1.1 This document states North Hertfordshire District Council's policy on Street Trading as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).

1.2 The objectives of this policy

- 1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) **to enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, and Royston;**
- (ii) **to protect public health through the control of street trading within the District of North Hertfordshire;**
- (iii) **to ensure that traders operate within the law and act fairly in their dealings with the public; and**
- (iv) **to prevent nuisance, unsafe practices, and anti-social behaviour.**

1.3 The law

- 1.3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.

- 1.3.2 On 26 April 2005, the Council resolved to make all streets within the conurbations of Baldock, Hitchin, Letchworth Garden City and Royston consent streets, with the exception of any streets designated as prohibited streets. It further resolved to make arterial roads within the District of North Hertfordshire consent streets but with trading limited to lay-bys only. The resolution also stated that no street within the District shall be a licence street.

- 1.3.3 Street trading is defined as *"the selling or exposing or offering for sale of any article, including a living thing, in a street."*

- 1.3.4 Streets are further defined as *"any road, footway, beach, or other area to which the public have access without payment or any service area as defined by section 329 of the Highways Act 1990."* It is important to note that there is no reference to land ownership and so street trading legislation would also apply to privately-owned areas such as supermarket car parks, business parks, etc.

- 1.3.5 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local

authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:

- (i) Prohibited Streets
those which are not open to street traders;
- (ii) Consent Streets
where street trading is prohibited without local authority consent;
- (iii) Licence Streets
where trading is prohibited without a local authority licence

1.3.6 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence Streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.3.7 There are a number of exemptions provided in the Act that are not to be considered street trading:

- trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- a market trader operating at a Charter or licensed market venue within the terms of the Charter or licence
- trading at a Charter Fair
- trading as a news vendor selling only newspapers and /or periodicals
- trading at a petrol filling station
- trading carried on in a street linked to an adjoining shop where the street trading is an extension of the shop's ordinary business
- trading as a roundsman
- where permission has been granted from the Highway Authority pursuant to Section 115 of the Highways Act 1980 to trade from an object or structure placed in, on, or over the highway
- charitable street collections authorised by the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

Pedlars

1.3.8 The possession of a pedlar's certificate does not automatically exempt the holder from street trading regulation; the holder must be lawfully acting as a pedlar as defined by current case law.

1.3.9 For example:

- A pedlar should travel and trade on foot, including when arriving at the town in which they trade
- A pedlar should travel to trade and only stop when engaged by a customer, moving on when that individual customer engagement is complete¹

¹ Croydon LBC v Burdon, 2002 WL 31050323 (2002)

- Moving on means to a new location/street, not just moving a short distance between stationary periods ²
- A person who for the purpose of selling was habitually stationary for periods more than 15 minutes during which they made intermittent sales to more than one member of the public is a street trader not a pedlar ³

1.3.10 The granting of permissions for the placing of tables and chairs outside of, but away from the immediate vicinity of, a business providing refreshment, or the placing of advertising boards outside of any business, is provided for by section 115 of the Highways Act 1980. This also applies to communal seating areas in locations such as town centres.

~~1.3.10 The licensing powers provided by section 115 of the Highways Act 1980 are available to both District and County Councils in two-tier authority areas. As the legislation is designed to ensure that highways are kept free of obstructions and nuisance, the Council is of the opinion that Hertfordshire Highways, acting as the Highway Authority on behalf of Hertfordshire County Council, is best placed to administer this function.~~

~~1.3.11 The Council will not, therefore, issue any permission pursuant to section 115 of the Highways Act 1980. All applications for tables and chairs, or advertising structures, on the highway should be directed to Hertfordshire Highways.~~

Pavement licences

1.3.11 In response to the Covid-19 pandemic, Government introduced temporary powers for district councils to issue pavement licences. These relate to licences for tables and chairs adjacent to a premises providing food and/or refreshments. ~~These temporary provisions have been extended until 30 September 2023, at which time permanent legislation will be enacted to make this provision permanent.~~

~~1.3.12 The Council will liaise with the Highways Authority and the Police prior to issuing these licences however the intention is to grant and assist businesses in promoting active town centres unless there are compelling reasons not to do so. These powers have been made permanent by virtue of the Business and Planning Act 2020. A separate policy exists to detail the Council's pavement licensing process.~~

1.4 Policy duration and amendments

1.4.1 This Policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance, and best practice.

1.4.2 Administrative amendments to this Policy, including but not limited to, those required by virtue of legislative changes, revised statutory guidance or a

² Croydon LBC v Burdon, 2002 WL 31050323 (2002)

³ Croydon LBC v Burdon, 2002 WL 31050323 (2002)

Council restructure, may be made by the Licensing and Community Safety Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

- 1.4.3 The Policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the Licensing and Community Safety Manager in consultation with the Chair of the Licensing and Regulation Committee and the relevant Executive Member.
- 1.4.4 In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing and Regulation Committee. For the purpose of this section, a significant amendment is defined as one that:
- will have significant financial impact on applicants, licence holders or the public; or
 - will have a significant procedural impact on applicants, licence holders, or the public; or
 - may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

2.0 DESIGNATION OF STREETS

2.1 Prohibited streets

- 2.1.1 It has been decided to maximise the opportunity for street trading within the four towns and, therefore, no prohibited streets are designated within North Hertfordshire.

2.2 Consent streets

- 2.2.1 All streets, with reference to the wide statutory definition in paragraph 1.3.4 above, within the main conurbations of North Hertfordshire have been collectively determined to be Consent Streets for the purpose of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2.2 Maps showing the boundaries of each town as regards Consent Street status are attached in **Appendices A to D**.
- 2.2.3 Furthermore, the following arterial roads have also been designated as Consent Streets however street trading is likely to be restricted to lay-bys conforming to the layout in **Appendix G** only:
- A10, A505, A507, A602, A600
- 2.2.4 The Council will continually monitor the impact of street trading on its consent streets with a view to promoting the objectives of this policy. Whilst it is the Council's intention not to designate any prohibited streets, it is acknowledged there will be areas that are less suitable for trading than others.
- 2.2.5 To address this issue, the Council will include within this policy a schedule of streets, or parts of streets, where consent permit applications will ordinarily be

refused, save for exceptional circumstances. This schedule is attached as **Appendix F**. The schedule will be subject to amendment, as circumstances dictate, in accordance with the provisions of Part 7 of this Policy. An applicant seeking consent to trade on a street identified as one where permission will ordinarily be refused should contact the licensing team to discuss the proposed application and the reasons why the street will ordinarily be deemed unsuitable for trading.

2.3 Undesignated streets

2.3.1 All streets not explicitly included within the list of consent streets in section 2.2 above, for example those within the rural villages, have not been designated as either prohibited streets, consent streets or licence streets.

2.3.2 The regulation of street trading and, therefore, this Policy does not apply to undesignated streets.

3.0 APPLICATIONS FOR A CONSENT

3.1 Advice for New Applicants

3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows the authorised officers to provide advice, as well as clarifying any areas of uncertainty.

3.1.2 The Council can also provide advice in relation to other legal requirements of a new consent holder, for example, planning permission or building control approval.

3.2 Applications

3.2.1 All applications must be made on the Council's prescribed application form.

3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

3.2.3 The following will also be required to be submitted with the application:

- (i) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- (ii) Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.
- (iii) In the case of privately-owned land, confirmation of the landowner's consent to trade on the land.

3.3 Processing of an application

3.3.1 On receipt of the application form an acknowledgment will be sent to the applicant.

- 3.3.2 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.
- 3.3.3 The application will either be:
- granted and a trading consent will be issued with conditions attached; or
 - refused and the fee will be refunded, less an administrative charge as appropriate, to the applicant.
- 3.3.4 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 3.3.5 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups as deemed appropriate to the application. In particular, the following organisations or persons will be consulted:
- Hertfordshire Highways
(acting as the highway authority on behalf of the County Council);
 - Hertfordshire Constabulary;
 - The Council's Environmental Health Commercial Team
(with respect to food hygiene matters); and
 - In respect of privately-owned land, the landowner
 - Where the Council deem appropriate, occupiers of adjoining land.
 - The Council's Community Safety Team
(with respect to known, or likely, anti-social behaviour issues)

Written observations from the above organisations and occupiers of adjacent properties may be taken into consideration when determining an application.

3.3.6 Applications will be determined by the Licensing Team Leader, or an authorised person acting on their behalf.

3.3. There is no statutory right of appeal to the courts against a variation of a condition, or refusal to grant or renew a Street Trading Consent.

3.3.8 To ensure transparency and fairness, if an applicant believes a decision to refuse, or apply conditions, is not consistent with this policy, they can submit a written representation to the Licensing and Community Safety Manager.

3.3.9 The representation must be received within fourteen (14) calendar days of being notified of the refusal and contain the reasons why the decision should be reviewed.

3.3.10 The Licensing and Community Safety Manager will review the decision, and notify the applicant of the outcome, within twenty-eight (28) calendar days of receipt of the representation.

3.4 Key considerations

3.4.1 The Council will normally grant a street trading consent unless, in its opinion:

- (i) a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- (ii) where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- (iii) there would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
- (iv) there is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes; or
- (v) there is a conflict with Traffic Orders such as waiting restrictions; or
- (vi) the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- (vii) the trading unit obstructs the safe passage of users of the footway or carriageway; or
- (viii) the pitch interferes with sight lines for any road users, for example at road junctions, or pedestrian crossing facilities; or
- (ix) the site does not allow the consent holder, staff and/or customers to park in a safe manner; or
- (x) the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- (xi) the application relates to an area where there is, or has been, anti-social behaviour and the granting of a licence is likely to result in an increased risk of this behaviour; or
- (xii) the applicant will not be able to comply with the consent conditions included within Appendix E of this policy.

3.4.2 The Council will normally refuse an application for a street trading consent where the applicant has previously had a Consent revoked.

3.5 Consents

3.5.1 Consents may be issued for a period of up to twelve consecutive months, quarterly or weekly.

3.5.2 All Consents that have not been renewed by their expiry date will automatically cease to exist and trading must cease until such time as a new Consent has been granted.

3.5.3 To enable maximum flexibility for an applicant, any consent issued for lay-by trading will authorise the provision of trading from anywhere within the

identified lay-by as opposed to a specific location therein.

- 3.5.4 The issuing of a Consent only authorises trading in accordance with the requirements The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4). The consent holder must ensure that they comply with any other statutory provisions relating to their business.
- 3.5.5 The Council acknowledges that overly burdensome regulation and cost will discourage town centre community and cultural activity, particularly the requirement for each individual trader to obtain their own Consent. In order to encourage town centre activity, the Council have developed multiple user Consents that will simplify this process (see sections 3.6, 3.7 and 3.8).

3.6 Town centre consents

- 3.6.1 The Council will issue Town Centre Consents that cover areas of land that are suitable for street trading use. Each Town Centre Consent will be accompanied by a plan clearly identifying those areas covered by the Consent. This will remove the need for each individual trader to obtain a Consent and should encourage town centre activity.
- 3.6.2 The Consents can be issued for a maximum period of twelve months and will ordinarily be issued to a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the consent.
- 3.6.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the Consent at all times whilst the consent is being used to facilitate street trading.
- 3.6.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow their Consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the Consent by not-for-profit organisations. The charge to commercial users should not exceed the equivalent cost of obtaining a Consent directly from the Council.
- 3.6.5 Any person or organisation may apply for a Town Centre Consent, however, in order for a Consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.6.6 The consent holder will be required to keep records of all traders that use the Town Centre Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.6.7 The consent holder will be required to keep records of all traders that are refused use of the Town Centre Consent including, date, name and company name (where appropriate), address, contact number and reason for refusal.
- 3.6.8 In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the consent holder, or in the case of organisations the individual nominated to manage the use of the Consent, must only make

the determination in accordance with the principles contained within paragraph 3.4.1 above.

- 3.6.9 Town Centre Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.
- 3.6.10 In the case of town centres that have a land management agreement with the Council, when an application is received directly by the Council it will consult with the town centre management to establish the best place to grant a consent that does not conflict with existing town centre activities.

3.7 Special events / markets consent

- 3.7.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Special Events / Markets Consents that facilitate multi-user street trading for markets or community events.
- 3.7.2 The consents will be issued for the duration of a specified event only and will ordinarily be to a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the Consent.
- 3.7.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the Consent at all times whilst the Consent is being used to facilitate street trading.
- 3.7.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the Consent, will be able to allow their Consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.7.5 Any person or organisation may apply for a Special Events / Markets Consent, however, in order for a Consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.7.6 The consent holder will be required to keep records of all traders that use the Special Events / Markets Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.7.7 Special Events / Markets Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

3.8 Council land consents

- 3.8.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Council Land Consents that facilitate multi-user street trading on Council owned land.
- 3.8.2 The consents will be issued for the duration of a specified event only and will ordinarily be to a named individual. Where the application is made by an

organisation, they must nominate a named individual who will be responsible for managing the use of the consent.

- 3.8.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.
- 3.8.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow their consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.8.5 The consent holder will be required to keep records of all traders that use the Council Land Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.8.6 Any person or organisation may apply for a Council Land Consent, however, in order for a Consent to be granted the Council will require the applicant to obtain a land licence through the Council's Safety Advisory Group.
- 3.8.7 No separate application will be required for a Council Land Consent provided an application for a land licence has been made. The issuing of a land licence by the Council encompasses a Council Land Consent for the purposes of street trading.
- 3.8.8 Council Land Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under section 3.5 above.

3.9 Annual consents with quarterly payments

- 3.9.1 The Council acknowledge that the cost of an annual Consent can sometimes prove prohibitive to new and small street trading businesses, particularly food and drink vendors in lay-bys.
- 3.9.2 To assist such commercial activity the Council will offer the grant of a twelve-month Consent, subject to quarterly fee payments in advance.
- 3.9.3 Each Consent will be issued for a twelve calendar month period upon the payment of the initial quarterly fee. Provided that the subsequent quarterly fees are paid prior to the due date, the Consent will remain until such time as the total consent period has reached twelve consecutive calendar months.
- 3.9.4 Once a consent period of twelve consecutive calendar months has been reached, a renewal application will be required which will be subject to the normal consultation process.
- 3.9.5 If the requirements of paragraph 3.9.3 above are not complied with, the annual Consent will automatically cease to have effect, save for exceptional circumstances at the Council's discretion, and no further trading in connection with that Consent will be permitted until such time as a new Consent has been granted.

- 3.9.6 To ensure continuity of trade, applicants are encouraged to sign a direct debit mandate so that each quarterly payment is made in accordance with paragraph 3.9.3.

4.0 CONSENT CONDITIONS

- 4.1 Any Street Trading Consent issued by the Council will be subject to the consent conditions detailed in **Appendix E** of this Policy.
- 4.2 In response to changing circumstances, the Council may wish to add, alter, or amend the conditions on a trading Consent. Any amendments or variations to Consents or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made.
- 4.3 The Licensing and Community Safety Manager is authorised to add, alter or amend the conditions added to a Consent based on the individual circumstances of each application.
- 4.4 There is no right of appeal against the Council's decision to refuse to grant, amend, vary, or revoke a Consent.
- 4.5 In the event of a breach of any of the conditions attached to a Consent, the Licensing and Community Safety Manager (or any other officer to whom this authority has been delegated) may revoke the consent forthwith. In the event of a revocation, the Council will not be liable to pay any compensation arising from the revocation nor will the Consent Holder be entitled to a refund of any of the Consent fee.
- 4.6 Prior to the revocation of a Consent, the facts relating to the proposed revocation will be set out by the Council and sent to the consent holder. The consent holder may then submit written representation stating any mitigating circumstances and/or reasoning why the Consent should not be revoked. Any representation submitted by the consent holder will be considered as part of the decision whether or not to revoke the Consent.

5.0 ENFORCEMENT

- 5.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 5.2 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy and Practice.

5.3 The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and may be dealt with by the Highways Authority or the Police.

Breach of conditions

5.4 If a licence condition is breached, the Council will be able to:

- issue a notice requiring the breach to be remedied, or
- take formal enforcement action

depending on the nature of the breach.

5.5 If the licence holder fails to adhere to the notice, the Council may:

- revoke the licence, or
- take formal enforcement action

Revocation

5.6 The Council may revoke a licence in the following circumstances:

- if it considers that the highway is no longer suitable for the use as granted by the licence
- if there is evidence that this use of the highway is causing an unacceptable obstruction, or failing to meet the licensing objectives of this policy
- if there is evidence that the use is causing, or risks causing, anti-social behaviour or public nuisance
- it comes to light that the applicant provided false or misleading statements in their application
- failure to rectify a breach of licence

5.7 When a licence is revoked, the Council will give full reasons for the revocation.

5.8 The decision to revoke a licence will be made by the Licensing Team Leader or an authorised officer acting on their behalf.

5.9 There is no statutory right of appeal to the courts against a decision to revoke a licence.

5.10 To ensure transparency and fairness, if an applicant believes a decision to revoke is not consistent with this policy, they can submit a written representation to the Licensing and Community Safety Manager.

5.11 The representation must be received within fourteen (14) calendar days of being notified of the refusal and contain the reasons why the decision should be reviewed.

5.12 The Licensing and Community Safety Manager will review the decision, and notify the applicant of the outcome, within twenty-eight (28) calendar days of receipt of the representation.

6.0 DEPARTURE FROM POLICY

6.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the principles set out therein.

- 6.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.

Substantial departure from Policy

- 6.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Licensing and Community Safety Manager may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances and will advise Councillors via the Members Information Service (MIS).

Minor departure from Policy

- 6.4 Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing and Community Safety Manager may authorise a Consent to be issued.

7.0 FEES AND CHARGES

- 7.1 The fees charged by the Council for Consents to trade should cover the reasonable cost of administering and enforcing the service.
- 7.2 The fees will be reviewed at least on an annual basis and published on the Council's website. The relevant Service Director –~~Legal & Community~~ is authorised to set street trading fees on behalf of the Council.
- 7.3 Should the consent holder wish to vary the Consent at any time during the life of the Consent, an administration fee will be charged. This includes the transfer of a Consent.
- 7.4 Where a trading consent is surrendered during the life of the Consent no refund will be made by the Council.
- 7.5 At its absolute discretion the Council may charge different fees for consents that are for different durations or locations, such as a pro rata rate for occasional consents or concessionary consents in certain circumstances.
- 7.6 Not-for-profit organisations will be exempt from application fees.

8.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	an officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Consent	a consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	the person or company to whom the consent to trade has been granted by the Council.
Consent Street	means a street in which street trading is prohibited without the consent of the Council
Council	means North Hertfordshire District Council
the Licensing and Community Safety Manager	the current post holder (or the appropriate Service Manager following any subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation

the Licensing Team Leader the current post holder (or the appropriate officer following any subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation

the relevant Executive Member the Elected Member responsible for Licensing who is a member of Cabinet

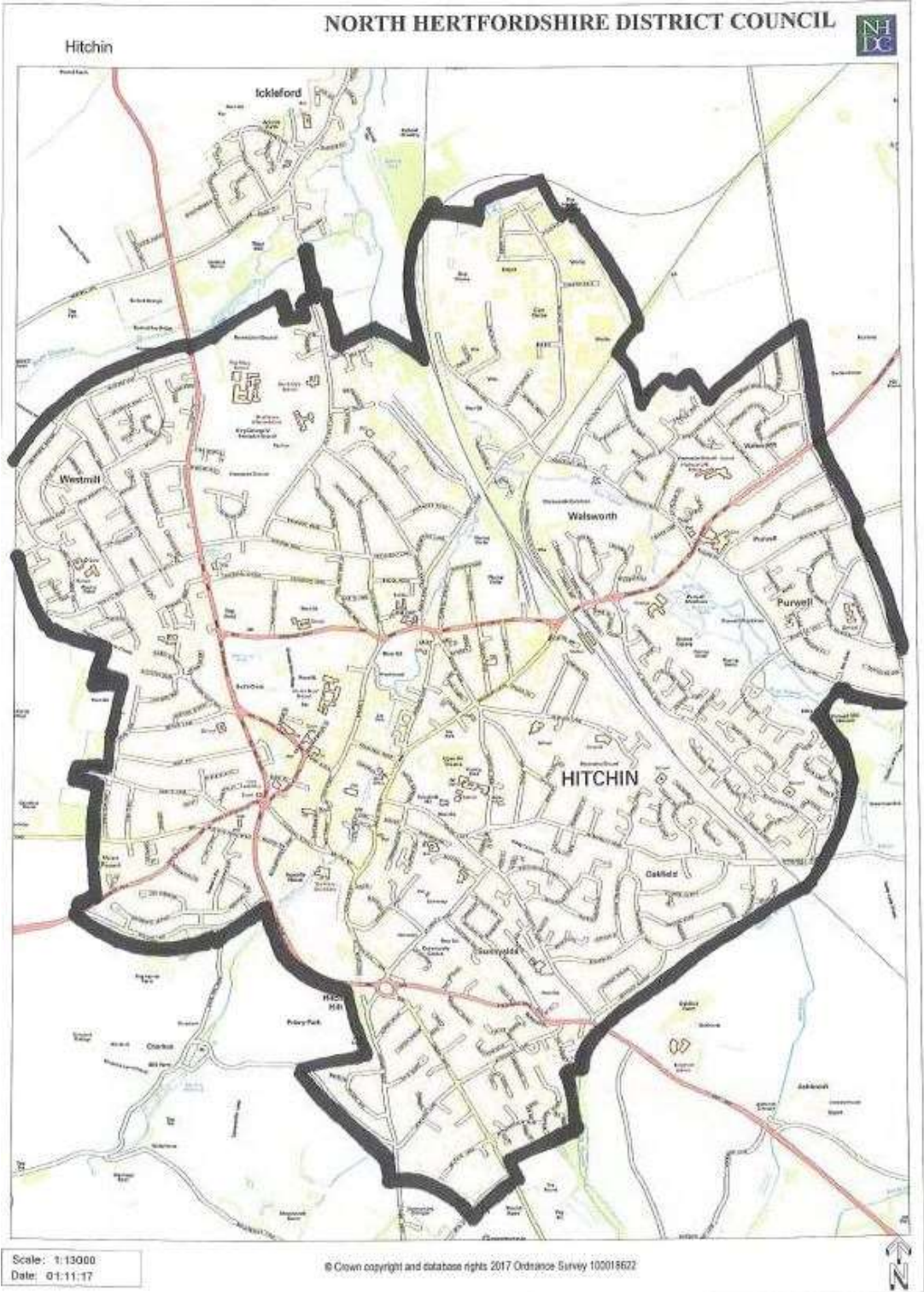
the relevant Service Director the Service Director responsible for Licensing

Street includes:
any road, footway, beach or other area to which the public have access without payment; and
A service area as defined in section 329 of the Highways Act 1980,
and also includes any part of a street.

Street Trading the selling or exposing or offering for sale of any article (including a living thing) in a street.

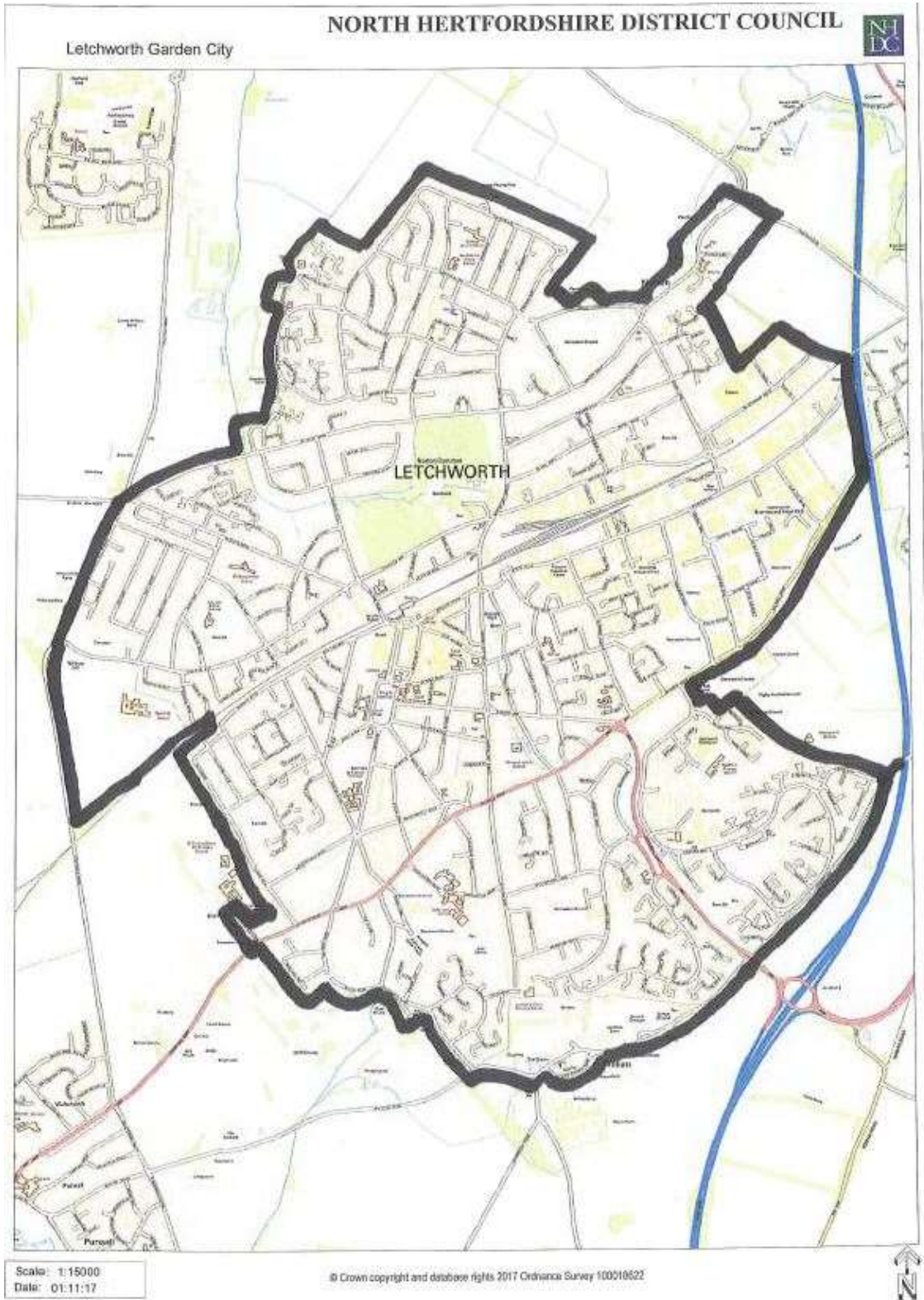
APPENDIX A

CONSENT STREET MAP: HITCHIN



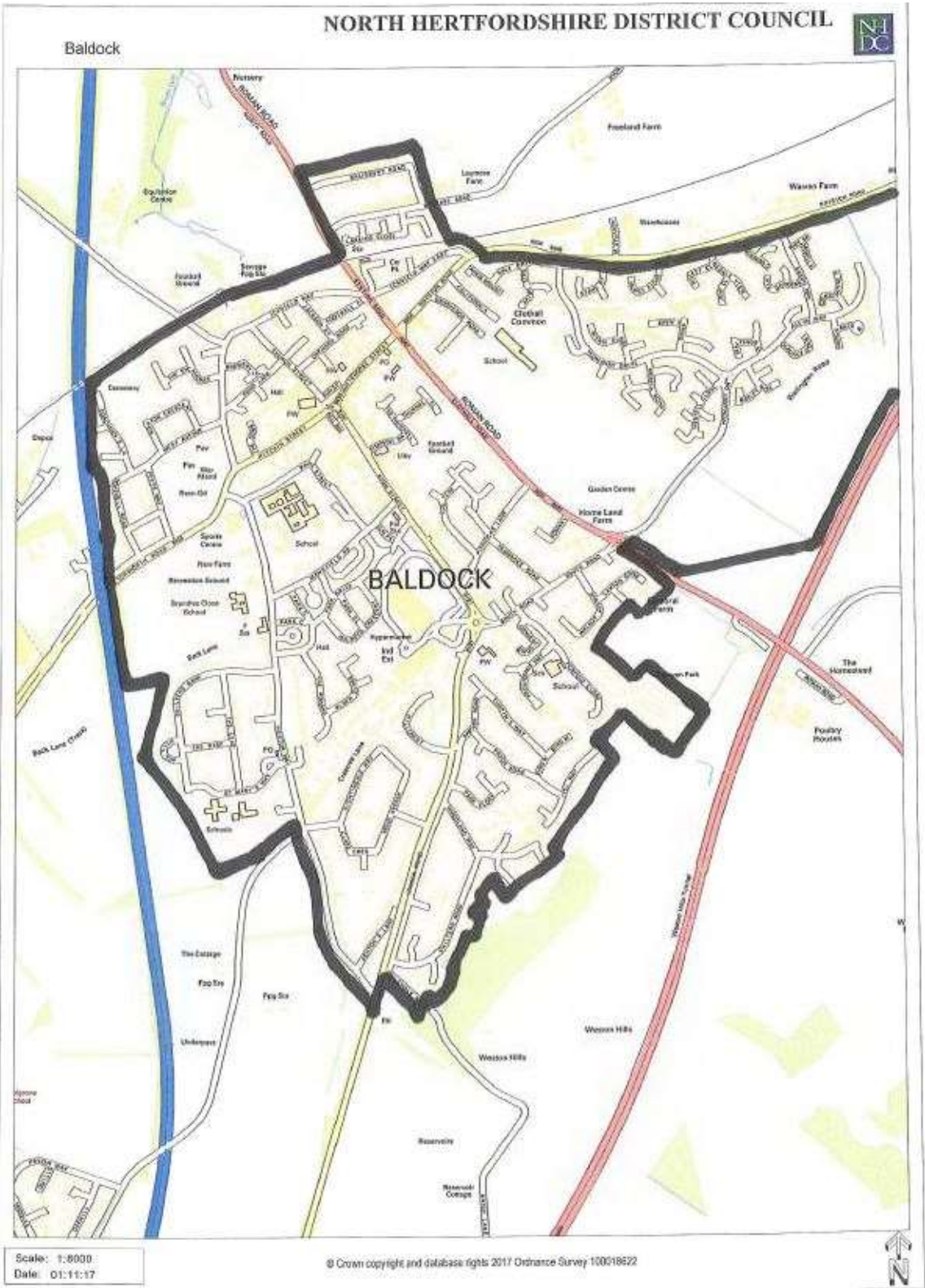
APPENDIX B

CONSENT STREET MAP: LETCHWORTH GARDEN CITY



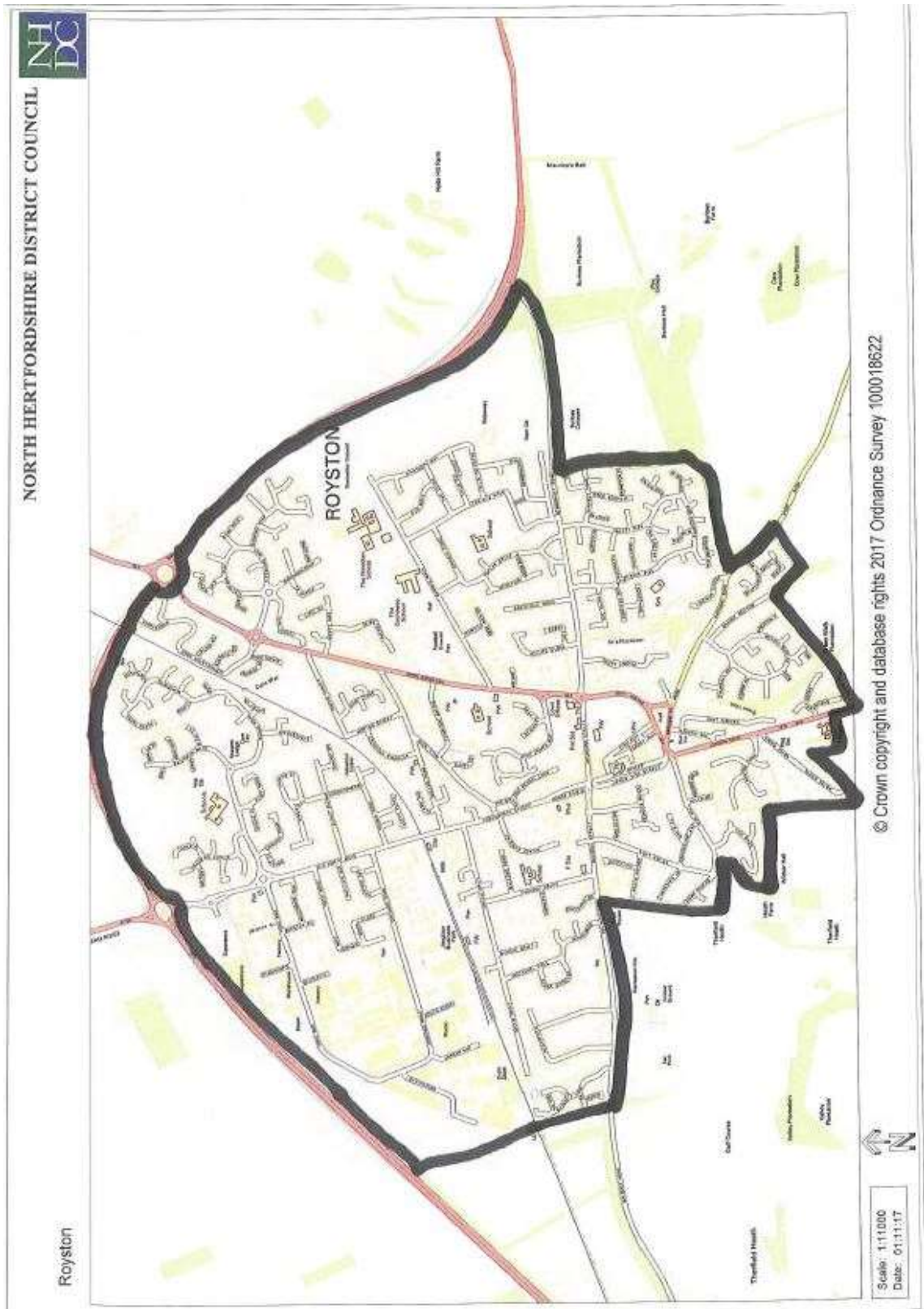
APPENDIX C

CONSENT STREET MAP: BALDOCK



APPENDIX D

CONSENT STREET MAP: ROYSTON



APPENDIX E

STREET TRADING CONSENT CONDITIONS

Standard conditions applicable to all consents

1. The Consent granted by the Council is personal to the Consent Holder.
2. The Consent may only be transferred to another person or body with the prior written consent of the Licensing and Community Safety Manager (or any other officer authorised to act in their absence).
3. Any van, vehicle, barrow, cart, or stall must be maintained in a neat, tidy and safe condition.
4. The Consent Holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only at the specified location during the permitted hours.
5. Unless specified otherwise in the Consent, the van, vehicle, barrow, cart or stall, including any permitted temporary furniture and advertising, shall be removed from the Consent site, including the street in which the consent site is located, at the end of each day's trading.
6. Any temporary furniture (for example, tables and chairs at food vending vans) or temporary advertising material (such as 'A' boards or other signage) will only be permitted at, or in the vicinity of, the van, vehicle, barrow, cart or stall if specified on the Consent.
7. The Consent Holder shall ensure that no advertisements relating to the activities permitted by the Consent are placed or affixed to any structures on the highway or highway land (including street furniture, road signs and grass verges). Any advertisement on private land must have permission from the landowner, proof of which must be provided to the Council in writing prior to the advertising being positioned.
8. The Consent Holder shall not cause any obstruction of the street or cause danger to any persons using it and shall not do anything, or permit anything to be done, which, in the opinion of an Authorised Officer of the Council, may be deemed a nuisance or annoyance or danger to any member of the public.
Particular regard shall be given to persons with disabilities when ensuring no obstruction is caused.
9. The Consent Holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
10. The Consent Holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition at all times including the removal of all litter associated with the street trading from

the immediate vicinity of the consent site, with vicinity being given its ordinary meaning based on the specific location of each consent site.

11. The Environmental Protection Act 1990 places a duty of care on individuals and businesses to dispose of waste originating from their trade in a certain manner. The Consent Holder shall ensure that refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of each day's trading. No water or waste material shall be discharged on to the highway or any adjacent property.
12. The Council may remove and store or dispose of any furniture, equipment, advertisement, or other structure placed on the street by the Consent Holder, or any person acting on behalf of the Consent Holder, that is not authorised by the Consent or has not been authorised in writing by the Council. The Council shall not be responsible to the Consent Holder for the safe keeping of any furniture, equipment, advertisement, or other structure and may levy reasonable charges for the removal, storage and/or disposal thereof.
13. A copy of the Consent must be carried by the Consent Holder, or any person acting on behalf of the Consent Holder, at all times whilst trading and must be produced on demand when required by a Police Officer or an Authorised Officer of the Council.
14. The Consent Holder shall display a suitable sign stating his or her name and trade. The sign must be approved in writing by an Authorised Officer of the Council.
15. The Consent Holder and their employees or assistants shall wear suitable clothes appertaining to the trading undertaken and maintain a professional appearance at all times.
16. The Consent Holder shall notify the Licensing and Community Safety Manager in writing at North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
17. The Consent Holder shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
18. The Consent Holder must take adequate precautions to prevent the risk of fire at the van, vehicle, barrow, cart, or stall. All hot food vendors are required to comply with current fire safety legislation. Where gas cylinders are used, an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment.
19. A serviceable fire blanket and foam fire extinguisher shall be provided at all vans, vehicles, barrows, carts, or stalls selling hot food.
20. All hot food vans, vehicles, barrows, carts, or stalls are required to carry a basic first aid kit. The Consent Holder and hot food vendors should know how to give first aid to treat victims of cuts and burns. All hot food vans, vehicles, barrows, carts or stalls should have access to a minimum of one mobile telephone that must be serviceable at all times whilst trading.

21. In the case of food vending vans, vehicles, barrows, carts, or stalls, at least one person involved in the preparation and sale of food must hold a current Level 2 food safety certificate accredited by the Chartered Institute of Environmental Health, or an equivalent qualification, and must be present at the site during all trading hours.
22. With the exception of Town Centre Consents, Special Events / Markets Consents and Council Land Consents, the Consent Holder must be the principal trader and have day to day control of the van, vehicle, barrow, cart or stall. The Consent Holder may employ any other person to assist in operating the van, vehicle, barrow, cart or stall and shall notify the Council of the name and address of such persons. Anyone who operates a van, vehicle, barrow, cart or stall other than the Consent Holder must be authorised in writing by the Council. An administrative fee will be payable for such authorisations.
23. The Consent Holder shall permit the Council, or any other statutory body, to have access to the area designated within a Consent at any time without notice for any purpose whatsoever including, but not limited to, carrying out works to the highway or private land, or inspecting the same, or otherwise.
24. The Council may revoke the Consent at any time.
25. The Consent Holder will return the Consent to the Council immediately upon revocation or surrender.
26. In the event of the Consent being surrendered or revoked before the expiry date, no refunds will be given.
27. Upon the termination or revocation of the Consent, the consent holder shall immediately remove the vehicle, barrow, cart, stall or any other associated equipment from the consent site and ensure the consent site is free from any associated litter or other deposits.
28. Any consent holder wishing to sell hot food or drink after 23:00hrs must also hold a valid premises licence issued under the Licensing Act 2003 authorising the sale of late night refreshment at the consent site.
29. The Council may at any time vary these Conditions without notice.

Additional conditions for static pitches

1. Any van, vehicle, barrow, cart, or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
2. Nothing contained herein shall be construed as the grant or purported grant by the Council of any tenancy protected by the Landlord and Tenant Act 1954, or any permission under the Town and Country Planning Act 1990, or any statutory modification or re-enactment thereof for the time being in force.

Additional conditions for static pitches selling food or displaying animals

1. Any trader selling food must be registered as a food business with the relevant local authority (place where van, vehicle, barrow, cart is stored overnight) and

provide evidence of such registration.

2. Food handlers serving high risk, open foods⁴ shall be suitably trained in food hygiene matters to Level 2 in Food Hygiene & Safety.
3. The van, vehicle, barrow, cart or stall must have a means to wash hands hygienically. In practice they must have a suitable wash hand basin supplied with hot and cold potable water, liquid soap and hygienic hand drying facilities.
4. Surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable, corrosion-resistant, and non-toxic materials.
5. Adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (solid and/or liquid) must be available. Used water and waste products must be contained until suitable methods for disposal are available.
6. Traders using portable gas appliances must have a current Gas Safe Certificate from a competent person.
7. Traders that bring live animals capable of E. coli 0157 bacteria transmission must provide the following information and obtain consent for the use of said animals prior to the animals being displayed under this Consent.

Additional conditions for town centre consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Town Centre Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Town Centre Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Town Centre Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number
5. The Consent Holder must keep records of each stallholder that is refused use of the Town Centre Consent, to include:

⁴ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

- date of proposed use;
 - location of proposed stall;
 - name and company/organisation name;
 - trader's home address;
 - trader's contact telephone number; and
 - reason for refusal
6. In determining whether to allow an individual or organisation the use of a Town Centre Consent, the Consent Holder must make their determination in accordance with the principles contained within paragraph 3.4 of the Street Trading Policy.

Additional conditions for town centre consents or special events / markets consents selling food or displaying animals

These conditions relate to regular events (such as weekly markets, other than Charter Markets) and specific events (such as Food Festivals, specialist markets, and other similar supported events).

1. For regular events, the Consent Holder must provide to the Council's Environmental Health Officer, trader information for high risk, open food⁵ traders upon the initial application and renewal of each Consent. New trader information must be received by the Council's Environmental Health Officer before they begin to trade at the regular events unless provided as part of an application for grant or renewal. Information provided to the Council's Environmental Health Officer must include:
 - name of food trader
 - registered name of food business
 - full registered address of food business
 - food hygiene rating and date awarded
 - type of food sold
 - inspecting authority

2. For specific or supported events, the Consent Holder must provide to the Council's Environmental Health Officer, trader information for high risk, open food⁶ traders no later than four (4) weeks prior to the commencement of the event. Information must include:
 - name of food trader
 - registered name of food business
 - full registered address of food business
 - food hygiene rating and date awarded
 - type of food sold
 - inspecting authority

⁵ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

⁶ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

Where high-risk, open food traders ⁷ intend to trade using a Town Centre or Special Events/Markets Consent but register less than four (4) weeks prior to the event, the trader must provide the required information immediately upon receipt of registration.

3. Traders that bring live animals capable of E. coli 0157 bacteria transmission, these traders must provide the Consent Holder with the following information:
 - name of trader
 - trading name of business
 - full address of business
 - suitable and sufficient risk assessment that manages E. coli 0157 hazard

Before permitting the use of live animals at an event utilising a Consent, the Consent Holder must assess the controls in the risk assessment and determine their suitability. Through the course of the event, the Consent Holder must ensure that the control measures in the risk assessment are implemented.

All information required to comply with this condition must be provided to the Council's Environmental Health Officer via env.health@north-herts.gov.uk no later than four (4) weeks prior to animals being provided at events utilising a Consent.

4. Whilst traders operate in accordance with a Town Centre or Special Events/Markets Consent, the Consent Holder must ensure that traders serving high-risk, open food ⁸ and/or displaying live animals must:
 - have a means to wash hands hygienically. In practice, they must have a suitable wash hand basin supplied with hot and cold potable water, soap, and hygienic hand drying facilities. Where traders are not able to ensure person hygiene through the provision of adequate hand wash facilities, the Consent Holder must take steps to stop the trader from operating
 - have adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (solid and liquid) to be available. Used water and waste products must be contained until suitable methods for disposal are available.
5. Traders using portable gas appliances must have a current Gas Safe Certificate from a competent person.

Additional conditions for special events / markets consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Special Event / Market Consent by organisations, businesses or individuals using the Consent for commercial purposes.

⁷ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

⁸ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

3. The Consent Holder may not make any charge for the use of a Special Event / Market Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Special Event / Market Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number

Additional conditions for council land consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Council Land Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Council Land Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Council Land Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number

APPENDIX F

SCHEDULE OF STREETS, OR PARTS OF STREETS, WHERE CONSENT PERMIT APPLICATIONS WILL ORDINARILY BE REFUSED

1.0 Baldock

- Old slip road off South Road at the roundabout with London Road

2.0 Hitchin

None

3.0 Letchworth Garden City

- Arena Parade
- Gernon Road
- Station Road
- A505 (Letchworth Gate) from the junction with the A1 (Junction 9) to the junction with the A505 (Pixmore Way / Baldock Road roundabout)
- Norton Way South between the junctions with Gernon Road and Station Road
- Rushby Mead between the junctions with Birdshill and Hillshott

4.0 Royston

None

5.0 Arterial Roads

All arterial roads with the exception of designated lay-bys with raised kerbing separating the lay-by from the carriageway (see Appendix G).

APPENDIX G

ACCEPTABLE LAY-BY LAYOUT FOR TRADING ADJACENT TO AN ARTERIAL ROAD

