

- \* AMENDMENTS IN RED ARE THOSE PRESENTED TO THE LICENSING AND APPEALS COMMITTEE
- \* AMENDMENTS IN PURPLE ARE THOSE RECOMMENDED BY THE LICENSING APPEALS COMMITTEE

NORTH HERTFORDSHIRE  
DISTRICT COUNCIL



# PROPOSED STATEMENT OF LICENSING PRINCIPLES

as required by

**THE GAMBLING ACT 2005**

**2019 - 2021**

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

## **A1. Overview**

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

- **preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;**
- **ensuring that gambling is conducted in a fair and open way;**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

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

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

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

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

## **A2. The District of North Hertfordshire**

A2.1 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.

A2.2 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.

A2.3 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.

A2.4 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.

A2.5 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.

A2.6 As at 1<sup>st</sup> August 2018, the number of licences, permits and registrations issued were as follows:

Casinos	0
Bingo premises	0
Betting shops	14
Track betting premises	0
Adult gaming centres	1
Gaming machine permits	101
Small society lotteries	72

#### A2.7 Local Area Profile

A2.7.1 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 affect on community in which the premises is, or is proposed, to be located.

A2.7.2 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.

#### A2.8 Premises-specific Risk Assessments

A2.8.1 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.

A2.8.2 The Code requires the licensing authority to set out matters it expects operators to consider as part of their risk assessments in its Statement of Gambling Principles. North Hertfordshire District Council will expect risk assessments to include, but not be limited to:

- Location in respect of risk to children, for example proximity to schools, playgrounds, leisure facilities and other areas where children may gather such as bus stops, shops, and cinemas
- Location in respect of risk to vulnerable adults, for example proximity to hospitals, residential care homes, GP surgeries and other medical facilities, and addiction clinics or help centres.

- Location in respect of matters of faith, for example proximity to churches, mosques, temples, and other places of worship
- Location in respect of other relevant facilities, for example proximity to other gambling outlets, banks, post offices, cashpoints, refreshment providers, premises selling alcohol, and other entertainment venues
- Areas that are experiencing, or have experienced, problems with anti-social behaviour, street drinking, underage drinking, drug taking or dealing, and attempted underage gambling
- Local arrangements for sharing information regarding self-exclusions, problem gambling, and other gambling trends
- Information held by the operator regarding self-exclusions, problem gambling, and other gambling trends (existing premises)
- Local crime statistics
- Layout of the premises and adequate staffing numbers to discourage access by children and vulnerable persons

### **A3. Consultation**

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

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

***“making North Hertfordshire a vibrant place for people to live, work and prosper”***

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 Community Safety
- North Hertfordshire District Council Legal Services
- Hertfordshire County Council Safeguarding Children 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**

A3.5 The consultation took place between **27<sup>th</sup> August 2018** and **21<sup>st</sup> October 2018** and followed, where practicable, the **Government's Consultation Principles (published January 2016)**, which is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492132/2016\\_0111\\_Consultation\\_principles\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/2016_0111_Consultation_principles_final.pdf)

The full list of comments made and the Council's consideration of those comments is available on request from:

The Licensing Manager  
 North Hertfordshire District Council  
 P O Box 10613  
 Nottingham  
 NG6 6DW

01462 474000 or [licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk)

A3.6 The Statement of Principles was approved at a meeting of the Full Council on **22 November 2018** and was published on the Council's website, [www.north-herts.gov.uk](http://www.north-herts.gov.uk) on **3 December 2018**.

#### **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 or new Guidance to Licensing Authorities issued by the Gambling Commission, will be made by the Licensing Manager acting on behalf of the Council under the Scheme of Delegation contained within the Council Constitution.

A5.3.2 Amendments under this section are restricted to those required to accurately reflect the current legislative position 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.

## **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 are required to pay in order to take part in an arrangement during the course of which one or more prizes are allocated by a process reliant wholly on chance.

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

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

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

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

## **A8. Authorisations under the Act**

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

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

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

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

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

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

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

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

## **A9. The Gambling Commission**

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

A9.2 The Commission:

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

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

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

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

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

## **A11. Interested Parties**

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

*“For the purpose of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:*

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

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

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

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

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

A11.4 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested party will be required providing that the councillor or MP represents the ward likely to be affected by the application. It would, however, assist the Council if the elected representative could demonstrate the number of persons' opinions that he/she represents. Similarly, parish councils likely to be affected by an application will be considered to 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 sufficient.

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 on the basis of any political judgement. Where representations are rejected, the person making the representation will be given a reason for the rejection in writing.

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

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

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

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

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

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

A11.14 The Council suggests that representations should:

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

## **A12. Exchange of information**

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

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

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

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

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

### **A13. Enforcement and Compliance**

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

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

- **Proportionate** Remedies will be necessary and appropriate to the risk posed, having regard to the costs involved which will be identified and minimised.
- **Accountable** Decisions will be justifiable and withstand public scrutiny.
- **Consistent** Rules and standards will be joined up and fairly implemented.
- **Transparent** Decisions will be made openly and regulations/licence conditions will be kept simple and user-friendly.
- **Targeted** Regulation will be focused on the specific problem with unintended side-effects minimised.

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

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

A13.5 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.

A13.6 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.

A13.7 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.

### **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 are able to exclude default conditions and also attach others, where it is believed to be appropriate.

B1.2 In order to assist with promoting the licensing objectives, the Council will establish a close working relationship, where appropriate, with the responsible authorities, in particular Hertfordshire Constabulary and the Gambling Commission.

- B1.3 All applications will be considered on their own individual merit with due consideration of the specific locality of the premises and the likely impact on the licensing objectives. The Council will regulate gambling in the public interest, the same principle applied by the Gambling Commission.
- B1.4 Where young persons and other vulnerable persons are allowed access to premises providing gambling opportunities, the Council will take whatever steps it considers necessary, when relevant representations are received, to prevent them being at risk of physical, moral or psychological harm from gambling. Applicants are encouraged to propose their own restrictions on access to young and other vulnerable persons where there is a perceived risk.
- B1.5 In order to demonstrate to the licensing authority that applicants have fully considered the impact of their application on the locality and the licensing objectives, the licensing authority expects applicants to supply a comprehensive Local Area Risk Assessment (LARA) with all applications. The licensing authority acknowledges that a comprehensive, well-reasoned LARA may negate the need for licence conditions to address perceived problems where the perceptions have been satisfactorily assessed within the LARA.

## **B2. Definition of 'premises'**

- B2.1 In the Act, premises are defined as including 'any place'. By virtue of section 152 of the Act, only one premises licence can apply to any place.
- B2.2 A single building could be subject to more than one premises licence, however, providing that they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. The Council is aware that this approach has been taken by other licensing authorities to allow large multiple use premises, such as piers or shopping centres, to obtain separate premises licences for individual units. In making its decisions in relation to the sub-division of a single building, the Council will ensure that the mandatory conditions in relation to access to and between premises are observed.
- B2.3 The Gambling Commission states in the **fifth** edition of its Guidance to Licensing Authorities (September 2015) at **paragraphs 7.5 and 7.6** that:

### **7.5**

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

## **7.6**

*In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.*

- B2.4 The Council is aware of the statement in the Commission's Guidance that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes. In particular, the Council is aware that:
- (i) the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing them from taking part in gambling but also preventing them from being in close proximity to 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 particular 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 .....*"

The Council will not take into account 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 or not 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 take into account 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.

## **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 with regard to 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 (with the exception of 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 particular 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) so as 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 sufficient 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 in close proximity to, 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 required 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 measure 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 with regard to 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 considered to be 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 his/her 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 located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised 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 require 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 or not 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.

## **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 or not the review is to be carried out. This will be decided on the basis of 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. Safeguarding against Child Sexual exploitation (CSE)**

B11.1. The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

B11.2 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

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

B11.3 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person
- children in the company of a group of older persons
- children regularly attending premises and meeting with a number of 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

B11.4 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

B11.5 The Hertfordshire Safeguarding Children Board (HSCB) have dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function. The HSCB also monitor compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice [www.hertssafeguarding.org.uk](http://www.hertssafeguarding.org.uk)

B11.6 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the **local risk assessment**.

## 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 are allowed to 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 seek to ensure that:

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

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

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

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

## **C5. Betting premises**

C5.1 The Council is aware that it has the power to restrict the number of betting machines that are made available in licensed betting premises. In accordance with the Commission's Guidance, the Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and other vulnerable people when considering the number/nature/circumstances of betting machines permitted in licensed betting premises. **The Council acknowledges that it cannot restrict the number of gaming machines which is an automatic entitlement under the Act.**

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

## **C6. Tracks**

### **C6.1 General**

C6.1.1 The Council is aware that tracks (sites where races or other sporting events take place) may be subject to one or more premises licences, provided each licence relates to specified area of the track. In accordance with the Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

C6.1.2 The Council will expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

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

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

### **C6.2 Gaming machines**

C6.2.1 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

C6.2.2 The Council are aware that it has a power to restrict the number of betting machines at a track. In accordance with the Commission's Guidance, the Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons, or vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### C6.3 Applications and plans

C6.3.1 The Act requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity. Plans for tracks do not need to be in a particular 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 provide 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 he or she:

- (i) expects to be constructed;
- (ii) expects to be altered; or
- (iii) expects 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 making a decision.

## PART D: PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

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

D1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Council for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use; other usage is likely to result in the application being refused.

D1.2 The Act states that a licensing authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under section 25 of the Act. The Commission's Guidance states at paragraph 24.8:

*"In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children*

*and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted. “*

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

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

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

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

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

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

D1.5 The Council expects applicants to demonstrate:

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

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

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

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

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

## **D2. (Alcohol) Licensed Premises Gaming Machine Permits**

### **D2.1 Automatic entitlement to two machines**

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

2.1.2 Under section 284 of the Act, the Council can remove the automatic entitlement in respect of any particular 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 he/she is intending to offer and should be able to demonstrate that:

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

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

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

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

- (i) the limits on participation fees, as defined in Regulations, must be complied with;
- (ii) all chances to participate in the gaming:
  - must be allocated on the premises on which the gaming is taking place and on one day
  - the game must be played and completed on the day the chances are allocated



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

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

#### **D4. Club Gaming and Club Gaming Machine Permits**

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

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

##### D4.2 Members' clubs

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

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

##### D4.3 Miners' welfare institutes

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

##### D4.4 Commercial clubs

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

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

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

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

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

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

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

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

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

D4.8 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **D5. Small Society Lotteries**

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

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

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

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

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

- D5.3 Applicants for registration of small society lotteries must apply to the licensing authority in the area in which their principal office is located. The Council will not register a lottery where the principal office is not located within North Hertfordshire.
- D5.4 Lotteries will be regulated through a licensing and registration scheme with conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to 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 or not 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 him/herself 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 the course of 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 has to 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.
- E1.6 Local ward councillors may sit on a sub-committee determining an application in their ward, or neighbouring ward, if they believe their local knowledge would be beneficial to the decision making process provided their participation is in accordance with the Member's Code of Conduct.

## 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 with the exception of the adoption of the statement of licensing principles and a 'no casino' resolution which are both reserved for the full council.
- E2.2 The licensing committee has further delegated licensing functions as follows:

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

Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections have been made or all objections have been withdrawn
Cancellation of club gaming/club machine permits		All cases	
Applications for all other permits			All cases
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 notices			All cases
Consideration of 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.
- 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 he/she represents.
- F3.3 Local 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 his/her own right or on behalf of the community, will be considered and apportioned weight in exactly the same way as any other representation. Additional weight will not be given for the sole reason of being a local councillor or a member of the licensing committee.

### **F4. Application Forms**

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

### **F5. Assistance and Advice**

- F5.1 For further assistance, please contact:

Licensing, North Hertfordshire District Council, P O Box 10613, Nottingham, NG6 6DW  
or  
01462 474000 or [licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk)

## PART G: GLOSSARY

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



# Appendix A

## Local Area Profile

### Location

North Hertfordshire is 1 of 10 districts within the county of Hertfordshire in the East of England, bordering Greater London to the south and Bedfordshire and Cambridgeshire to the north.

North Hertfordshire covers 37,538 hectares and represents 22.85% of the total area of the county of Hertfordshire.

North Hertfordshire is made up of 24 wards, the largest of which geographically is Hitchwood, Offa and Hoo, making up 27.36% of the North Hertfordshire area.

Found in the South East of England, officially under the area of East of England, North Hertfordshire itself has direct borders with the neighbouring districts of Central Bedfordshire, South Cambridgeshire, East Hertfordshire, Stevenage, Welwyn Hatfield and St Albans.

94% of residents (Sept 2012) in North Hertfordshire are satisfied with the area as a place to live.

### Population

The latest (mid-2015) estimate from the Office for National Statistics (ONS) puts the population of North Hertfordshire at 131,700 (64,600 males and 67,100 females).

Hitchin Bearton is the ward with the largest population at 6.68% of the total population of North Hertfordshire; Baldock East being the ward most densely populated with 40.6 persons per hectare. The least densely populated ward is Weston and Sandon at 0.3 persons per hectare.

The number of households in North Hertfordshire was 53,426 in 2011 with 65.6% of residents owning their own home compared to an average of 63.4% for England.

### Age

The mean age on North Hertfordshire is 40 years old (39 years in England) based on figures from the 2011 census. The predominant age band for North Hertfordshire is 45-49 years old which represents 7.59% of the local population based on ONS Mid Year Population estimates.

In North Hertfordshire, latest (mid-2015) estimates states that 20.95% of the population is aged 65 years and over; 2.58% of the population is aged 85 years or over.

### Ethnicity

In the 2011 Census, 15.1% of the North Hertfordshire population were from an ethnic minority background (defined as non white-British).

95.88% of North Hertfordshire residents had English as their main language, 0.6% of residents did not have English as a main language and could not speak English well, and 0.11% of residents could not speak English at all.

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.

In 1970, the first Gurdwara Sikh temple in the Anglia Region was purchased and renovated in the Hitchin Bearton ward. This could possibly explain why Hitchin Bearton has been more popular within ethnic communities, particularly as to why Sikhism is the prominent belief after Christianity and no religion.

### **Deprivation**

According to the North Hertfordshire Health Profile 2015, Hertfordshire as a whole ranks among the 10% least deprived counties in England however Hertfordshire still contains pockets of deprivation and some of those pockets found within North Hertfordshire are amongst the 10% most deprived areas in the country.

North Hertfordshire's most deprived Middle Super Output Areas (average population of 7,200) are Letchworth Wilbury and Letchworth Grange and its most deprived Lower Super Output Area (sub-wards averaging 1,600 people) is Hitchin Oughton.

Letchworth Wilbury was rated the 13<sup>th</sup> most deprived Middle Super Output Area in the whole of Hertfordshire (February 2014) when considering the indices of multiple deprivation 2010 score and the proportion of children living in low income families. Common problems in Letchworth Wilbury include: childhood obesity, unemployment, economic inactivity, working age benefit claimants, child poverty, household income, transport availability and domestic violence.

Letchworth Wilbury also scores the highest in North Hertfordshire for income deprivation, with 4 other wards also scoring above the national average for deprivation: Hitchin Oughton, Letchworth Grange, Letchworth East and Letchworth South East. The ward with the lowest income deprivation score in North Hertfordshire is Hitchin Priory.

### **Young People**

The Chesfield ward has the highest number of 17 year old and under, representing 6.86% of all North Hertfordshire's children.

North Hertfordshire has the highest number of NEETS (young people not in education, employment or training) in Hertfordshire with 43% of all NEETS living in Letchworth. A possible explanation could be due to child poverty present in Letchworth and the huge difference in good level of development figures between the 69.9% average within North Hertfordshire and the 34.8% in Letchworth Wilbury.

### **Unemployment**

The percentage of the working population within North Hertfordshire that are unemployed is 3.4% compared to 4.4% for England. The highest rate of unemployment can be found in the Hitchin Oughton ward at 6.46%.

The percentage of all people of working age claiming a key benefit is 10% compared to 15% for England.

The rate of the long-term unemployed claiming Jobseeker's Allowance within North Hertfordshire is 5.6 per 1000 of the working age population compared to 10.1 per 1000 across England, with only Letchworth East and Letchworth Grange wards above the country average.

3.1% of the population in North Hertfordshire have either never worked or are long-term unemployed compared to the country average of 5.6%

Hitchin Oughton ward has the highest percentage of residents in North Hertfordshire who are long-term unemployed or who have never worked.

Letchworth in particular has an issue with employment deprivation with 12 of its Lower Super Output Areas in the bottom 20% for Hertfordshire. A Lower Super Output Area on the Jackmans estate ranked 5<sup>th</sup> in the county of Hertfordshire and one on the Grange estate ranked 6<sup>th</sup>.