



Licensing Committee **Monday, 9th March, 2020**

You are invited to attend the next meeting of **Licensing Committee**, which will be held at:

Council Chamber - Civic Offices
on **Monday, 9th March, 2020**
at **2.30 pm** .

Georgina Blakemore
Chief Executive

Democratic Services
Officer

Adrian Hendry (Democratic Services)
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), I Hadley, S Heather, P Keska, A Lion, L Mead, S Neville, C P Pond, B Rolfe, M Sartin, P Stalker, D Stocker, D Sunger and J M Whitehouse

<p>PLEASE NOTE THE START TIME OF THE MEETING</p>

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

- 3. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent items is required.

4. MINUTES OF THE LICENSING COMMITTEE (Pages 3 - 8)

To confirm the minutes of the Licensing Committee meeting held on 16th October 2019.

5. MINUTES OF THE LICENSING SUB-COMMITTEES

The minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

6. IN VEHICLE CCTV IN TAXIS (Pages 9 - 12)

To consider the attached report.

7. GAMBLING ACT 2005: STATEMENT OF LICENSING POLICY (Pages 13 - 60)

To consider the attached report.

8. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

To review the proceedings of the Licensing Sub-Committee held during the preceding period and consider any issues of procedure, policy or organisation that have adversely affected the operation or management of meetings.

9. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

10. MATTERS ARISING

To consider any further matters arising in respect of the Council's Licensing function, not covered elsewhere on the agenda.

11. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 14 October 2020 at 2.30pm in the Council Chamber.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Licensing Committee	Date:	Wednesday, 16 October 2019
Place:	Council Chamber - Civic Offices	Time:	2.30 - 3.10 pm
Members Present:	Councillors R Morgan (Chairman), I Hadley, S Heather, P Keska, L Mead, S Neville, C P Pond, B Rolfe, M Sartin, P Stalker and J M Whitehouse		
Other Councillors:	Councillors		
Apologies:	J Jennings, A Lion, D Stocker and D Sunger		
Officers Present:	S Devine (Service Manager (Regulatory)), K Tuckey (Licensing Manager) and A Hendry (Senior Democratic Services Officer)		

1. **Declarations of Interest**

Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a non-pecuniary interest in agenda item 8 (Road Closures – Waiver of Fees for the Town and Parish Councils on VE Day Celebrations 2020) by virtue of being a member of Epping Town Council. Councillor Whitehouse advised that he would remain in the meeting for the consideration of this item.

2. **Any Other Business**

No other business had been raised.

3. **Minutes of the Licensing Committee**

RESOLVED:

That the minutes of the meeting held on 17 October 2018 be taken as read and signed by the Chairman as a correct record.

4. **Minutes of the Licensing Sub-Committees**

That the minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by their Chairmen as a correct record:

06 November 2018;
12 December 2018;
18 December 2018;
08 January 2019;
29 January 2019;
04 February 2019;
18 March 2019;
02 April 2019;
07 May 2019;
16 May 2019;
02 July 2019;
09 July 2019;

29 July 2019;
03 September 2019;
17 September 2019; and
01 October 2019.

5. Taxi Licence and Animal Welfare Licence Fees

The Regulatory Service Manager introduced the report on taxi and animal welfare licence fees.

Animal Licensing:

She noted that new animal welfare regulations were introduced in October 2018 updating section 1 of the Pet Animals Act 1951. The new Regulations required a robust inspection and reporting regime and required inspecting officers to be qualified to NVQ Level 3 by October 2021. As a result, the licensing team had introduced new inspection processes for all premises such as Animal Boarding Establishments, Home Boarding, Riding Schools & Pet Shops and officers would start the NVQ training this November.

The Regulations allowed the licensing authority to recover all reasonable costs without making a profit, for the administration of the licensing function which included processing applications.

It was apparent that the officer time spent in administering this licensing function was considerably more than previously anticipated and that the existing charges of £250 plus vet fee did not reflect the true cost to the Council. A benchmarking exercise and cost recovery calculation had been carried out based on officer time and associated costs, in accordance with Government guidance and the new fees, as set out in the report, would be recommended to Cabinet as part of the Council's overall fees and charges schedule for 2020/21. The fees would then be reviewed annually.

Councillor Pond asked if the Council had enough staff to cover this extra work. The Regulatory Service Manager replied that they were looking at staff and staff training at present. All existing staff were to be trained and the proposed structure took this extra work into account. It was challenging but they hoped they had it covered especially with the new IT system.

Councillor Neville asked how many animal licences per year were issued and how much would it cost the council for the training of staff. The Licensing Team Manager said that around 120 animal licences were issued but this would be growing. Officers would also now have to score them under a five-star rating system and would have to consider new categories such as animal exhibitions as well as welfare and their transport. The Regulatory Service Manager added the cost for training each officer would be about £1500.

Councillor Sartin asked if any benchmarking had been carried out against other councils. She was told that it had been.

Taxi Licensing:

The Regulatory Service Manager said that she and the Licensing Team Manager had carried out a benchmarking exercise and a cost recovery calculation based on officer time and associated costs for proposed Taxi licence fees for 2020/21. Comparing these calculated figures against the existing taxi fees, with an annual inflation factor applied, the results were generally comparable and did not justify a full consultation

to the trade on what would be marginal adjustments. The current licence fees for 2019/20 would therefore continue to be applied for 2020/21 with the appropriate inflationary increase applied.

The report to Cabinet would propose that the fees and charges for all other activities falling within the Licensing Service for 2020/21 would be the existing fees for 2019/20 with the general uplift applied. The inflation rate used for these calculations was 2.5%, but this would be reviewed.

RESOLVED:

That the Licensing Committee noted the proposed uplift in the fees.

6. On Line Disclosure and Barring Checks

The Licensing Team Manager introduced the report on the on-line disclosure and barring checks.

The meeting noted that the Licensing Team currently carried out Disclosure & Barring checks (previously known as criminal record checks) on all applicants for taxi licences as part of its licensing responsibility to protect public safety. As an enhanced check was required it had to be applied for by the local authority and not the individual, the cost of which is paid initially by the Council and then recovered from the driver's licence fee. The process is repeated at renewal, typically every 3 years.

The online process has now been streamlined to make it simpler and less time consuming to update the existing DBS records. Following an informal discussion with the Licensing Portfolio Holder it was suggested that all applicants be required, as part of their licence condition, to register for the online Update Service and agree to allow the Council access to check the certificate at any time. The cost to the driver was currently £13 a year.

The advantages to the Council were that the Licensing Team would no longer need to process a further DBS application at licence renewal; the on-line check would provide immediate information where the current system may take several weeks; and, assuming there are no significant administrative changes to the licensee details, officers can check the status of a taxi drivers DBS certificate at any time during the licence period, not just at a new application.

The advantage to the taxi driver was that he/she could simply update the DBS records annually without having to make a further detailed paper application to the Council.

If agreed, a new condition would be added (by way of an amendment) to the Council's Taxi Driver licence conditions, to require the applicant, within 28 days, to subscribe to the DBS Update Service and to give consent to access by Council licensing officers.

Councillor Sartin said that this implied that all taxi drivers had access to the internet and a computer. She was told that officers could make something available at our offices to the odd driver that did not have access or that they could use a terminal in a library.

Councillor Whitehouse asked if this would just be for new licence applications and renewals or would it be retrospective. He was told that initially yes; every three years

drivers had to sign up and do this check. This would also enable officers to run a check quickly on any driver as needed.

Councillor Whitehouse asked if the licensing fee would be reduced to reflect that they would pay for this service. He was told that the fee would be reduced in proportion to this.

RESOLVED:

The Licensing Committee agreed that the current taxi licence conditions be amended to include the requirement for the applicant to subscribe to the DBS Update Service and to give consent for access by Council Licensing Officers.

7. Road Closures - Waiver of Fees for the Town and parish Councils on VE Day Celebrations 2020

The Licensing Team Manager introduced the report on the proposed waiver of fees for Town and Parish Councils on VE day celebrations in 2020. It was noted that Local Authorities had the power to make temporary road closures.

A similar thing was done in in 2015 when this committee waived fees for road closures for events on Remembrance Sunday for Town and Parish Councils. And in 2014 this committee had agreed to waive the road closure fees for any charitable or community events run by a Town or Parish Council for the benefit of the local community.

If members were minded to waiver the fee in the same way as Remembrance Sunday events it was important to note that all applicants requesting such a road closure must still make a valid application to the Council's Licensing Team including submission of all the relevant documents, risk assessments, public liability insurance and a road traffic management assessment. Consent to a Road Closure would only be given once the applicant had carried out the necessary consultation with the responsible authorities. Members were asked to consider if they wished to apply the same waiver to applications by members of the public for similar road closures in support of these celebrations.

In response to a question the Licensing Team Manager said that the last time this was done it was just Town & Parish Councils and charities that were exempt, never individuals. If this proposal went ahead they would still have to apply to the council and we would have to satisfy ourselves that they had met all our criteria such as insurance and consultations etc.

Asked if there were many applications from members of the public during a normal year the Licensing Team Manager said that the council received about two or three a year.

Members debated whether to extend the waiver, noting that it was not just charities, Town or Parish Councils or members of the public that may wish to put on such events; other bodies such as Town Forums or a Town Twinning Association may be planning things for this weekend.

The Committee agreed that all fees be waived for VE day celebrations, noting that the Council could still refuse an event if they did not think it was sufficiently well organised.

RESOLVED:

That the Licensing Committee agreed to waive the fees for Road Closures for the 75th Anniversary celebrations of VE day, during the May 2020 bank holiday weekend.

8. Applications Received under the Licensing Act 2003

The Committee noted the number of applications received and determinations of those applications from 3rd October 2018 to 25th September 2019.

The Committee asked if they could have, for their next meeting, comparison figures from the previous year. Officers agreed to do this.

9. Review of Licensing Sub-Committee Procedures

The Committee reviewed the proceedings of the Licensing Sub-Committee meetings held during the preceding six-month period and considered whether the procedure, policy and organisation of the Sub-Committees required review.

There were no matters to be discussed under this item.

10. Review of Current and Future Training Needs for the Committee

The Licensing Team Manager advised the Committee that they did not have the usual outside trainer attend this year as he had to cancel due to sickness. However, they could arrange to have James Button give a training session to members of the committee. He specialised in Taxi law and would concentrate mostly on this.

Also, the Team Manager could also carry out one to one training sessions with any committee member if they wanted a refresher.

The Committee noted that the building facilities would not be available for the next six months or so due to refurbishments, so it could not be guaranteed that a room would be available to hold the training session in. With this in mind, the committee agreed that a training session with an outside trainer should not be held until June, after annual Council, and the appointment of any new members.

AGREED: that an outside trainer be scheduled for after the annual council meeting and the appointment of any new Licensing Committee members.

The Regulatory Service manager asked the committee to consider the frequency of having an outside trainer attend every year, as they were very expensive. She proposed that this be arranged for every other year, with in house training in the fallow years.

AGREED: that an outside trainer attend every other year and that in-house training be given in the in between years.

11. Matters ArisingHigh Ongar Music Festival

The Committee were given a quick update on the recently held music festival at High Ongar. Licensing Officers had stayed at the festival all day, in shifts, observing the

event. There did not appear to have been any problems with the roads and traffic as this had been specifically brought up at the hearing when permission had been granted.

Taxi CCTV

Councillor Pond asked if officers had considered the installation of CCTV cameras in taxis. The Regulatory Service manager said that this was something that officers were thinking about and would present a report at the next meeting.

12. Date of Next Meeting

The Committee noted the date for their next meeting, 1st April 2020.

CHAIRMAN

Report to Licensing Committee

Date of meeting: 9th March 2020

Subject: In- Vehicle CCTV in Taxis

Officer contact for further information: Sally Devine
Committee Secretary: Adrian Hendry, ext. 4246



Epping Forest
District Council

Recommendations/Decisions Required:

To note the steps being taken in consideration of in- vehicle CCTV in hackney carriage/ private hire vehicles.

Report:

1. The Portfolio Holder for Commercial and Regulatory Services has requested that the licensing department consider the introduction of CCTV in taxis as a licensing condition, to help address driver vulnerability and safeguarding of passengers. It would also assist in the investigation of complaints and help the Council fulfill its statutory duty to protect public safety and to ensure drivers remain fit and proper to hold a licence.

2. The Committee will be aware from reports in the press and elsewhere of serious concerns regarding child exploitation, human trafficking, criminal exploitation, drug trafficking and domestic abuse and there have been a number of high-profile safeguarding cases in other areas of the country which has underlined the need for safeguarding issues to be seriously considered within the Council's hackney carriage/ private hire licensing policy.

3. The introduction of CCTV can have clear benefits for passengers, drivers and the licensing authority. Evidence drawn from complaints made to the Council demonstrates that complaints are not always easily resolved because it is one person's word against another, and this can sometimes have an unsatisfactory outcome for all parties. The introduction of CCTV would overcome this. Other benefits include:

- The Licensing Team will be better able to make informed decisions whether to take no action, suspend or revoke a licence following a complaint. This evidence can be used in court should the driver appeal a decision, and it may prevent a driver guilty of misconduct, from launching an appeal.
- It will reaffirm or increase public confidence in passenger safety towards those taxi drivers that abuse their position of trust;
- It will protect taxi drivers from threats or assaults from passengers including racially motivated abuse
- Where both cameras and audio recording are used, incidents of verbal and physical abuse can be recorded which will provide invaluable evidence for enforcement agencies, and in protecting drivers from false allegations made against them, which could potentially avoid them losing their licence and livelihood
- It should lead to a reduction in cases of actual and alleged incidents as both parties will be aware of the CCTV recording equipment
- It will lead to an overall reduction in crime levels

4. A Task and Finish Group commissioned by the Minister of State at the Department of Transport in 2018 recommends the mandatory introduction of cameras in licensed vehicles.
5. However, the Information Commissioners Office CCTV Code of Practice recognises that an important balance must be made between privacy and proportionality and that a mandatory policy around CCTV systems in taxis will require strong justification and should be kept under regular review.
6. Officers have made initial enquiries around the CCTV systems that are available and the likely costs. Discussions will also be had with internal and external partners, including with other local authorities that have already introduced CCTV for taxis in the Districts or are proposing to do so that we can learn from their experience.
7. We will be consulting with the Police and our Community Resilience Team to obtain local intelligence data around incidents connecting the taxi trade, safeguarding and criminality that may support the case for CCTV in taxis to reduce crime and protect public and driver safety
8. It is clearly important to work with the trade as far as possible when considering any policy, to ensure the key messages around why CCTV is being considered/ required, and the potential benefits to drivers are clearly communicated. It is also important to understand any concerns they may have, for example around cost and privacy. In the first instance we are consulting with taxi drivers and operators by letter/ questionnaire to establish their level of concern around their own personal safety and to obtain their views about in-vehicle CCTV. An example letter is attached as an appendix at the end of this report.
9. There are many factors to be considered before the Council could be in a position to mandate CCTV systems in taxis/PHVs. The Home Secretary's Surveillance Camera Code sets out 12 guiding principles that should be adopted, which include: justification of purpose and legitimate aim, individuals privacy; transparency; clear roles and responsibilities and good governance; rules and policies deletion of information not needed; restricted access; maintaining standards; securing against unauthorised access; ensuring legal compliance; showing evidential value; accurate and relevant supporting information.
10. Officers will provide an update report to the next Licensing Committee on progress to date.

Appendix : Letter/ Questionnaire to Taxi drivers

Dear Sir/Madam

**Hackney Carriage & Private Hire Licensing Consultation 2019
Vulnerability in Taxis**

The Council is concerned about the safety of both passengers and taxi drivers across the District and is considering how this can be improved.

The purpose of licensing Hackney Carriage and Private Hire Vehicles is to protect the public, and the Council must ensure that passengers can travel in a safe environment. Equally, we are concerned that Taxi Drivers may also be vulnerable to passenger abuse and even violence at times and we want to look at ways that protect drivers during their work.

One way this may be achieved is by fitting in-vehicle CCTV which could both protect the driver and the passenger from abuse or anti-social behaviour and can help defend cases of unfounded allegations. It can also have additional benefits by assisting in providing evidence following a traffic accident and it may reduce vehicle insurance premiums and protect your no claims bonus.

We would like to know your views about in-vehicle CCTV or any other suggestions you may have.

We would like your thoughts and comments on the following:

	Y	N
Do you always feel safe whilst working as a licenced driver?		
Do you feel more vulnerable at night?		
Have you been threatened or verbally abused in the last 2 years?		
Have you been physically harmed by a passenger in the last 2 years?		
Has a passenger refused to pay a fare in the last 2 years?		
Have you been the victim of racial abuse while driving your vehicle for work?		

Do you have in-vehicle CCTV fitted in your vehicle already? If yes, we would like your comments on whether you feel safer in your vehicle than before and whether there has been an improvement in passenger behaviour towards you. Please comment below		

The Council is considering whether to make it a licensing condition that all taxis operating within the Epping Forest District have in-vehicle CCTV. Would you support this? Please give any comments or reasons below		

If a licence condition was introduced requiring in- vehicle CCTV in all taxi's do you think that a period of time should be allowed for drivers to comply?		
What period do you think would be sensible? For example, you may think it should be an immediate requirement or you may think 1 year, 2 years or more should be allowed or at licence renewal. Please comment in the box below		

Please give any additional comments relating to in-vehicle CCTV or make any other suggestions to improve taxi driver and passenger safety

Your views are important to us. In order that they can be considered as part of this consultation, we need to receive responses by xxxxxxxx

The preferred method of correspondence to us is to complete the questionnaire and to email your comments to: licensing@eppingforestdc.gov.uk

Alternatively, you can send by post to:
 The Licensing Section
 Civic Offices
 High Street
 Epping
 Essex CM16 4BZ.

Thank you for spending the time to consider this matter and if I can be of any assistance please contact me.

Yours sincerely

Mrs K Tuckey
Licensing Manager

Report to the Licensing Committee



**Epping Forest
District Council**

Date of meeting: 9th March 2020

Portfolio: Commercial and Regulatory Services

Subject: Gambling Act 2005: Statement of Licensing Policy

Responsible Officer: Kim Tuckey (01992 564034).

Democratic Services: Adrian Hendry (01992 524246)

Decisions Required:

That the revised Gambling Act 2005: Statement of Licensing Policy attached with this report is approved.

Reasons for Proposed Decision:

The Statement of Principles must be reviewed every three years and is due for review.

Other Options for Action:

None. It is a requirement under the Gambling Act 2005 that an approved Statement of Principles is in place

Report

The Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of the Principles that they propose to apply in exercising their functions under the Act. This is incorporated into the Epping Forest Council's Gambling Act 2005: Statement of Licensing Policy.

The Statement of Licensing Policy was last reviewed in 2016 and a further review is overdue. This review has now been carried out and amendments have been made following latest guidance from the Gambling Commission. Following a full consultation with all interested parties, Members are asked to consider the updated Gambling Act 2005: Statement of Licensing Policy Statement of Principles.

For information, at the time of producing this report the following premises and permits relevant to this policy are operating on the District

Betting offices	12
Occasional use	0
Club Gaming permits	14
Gaming Machine permits	9

Consultation Responses

A consultation letter or email was sent out to all consultees at the beginning of January 2020 and replies were asked to be returned by 19th February 2020

Responses, which are attached with this report, were received from:

- (a) Charlotte Meller- Gambling Commission
- (b) Brian Minihane-William Hill
- (c) Maclom Macdonal St Marys Church Loughton
- (d) Lisa McGee St Micheal's Church
- (e) Cllr Cherry Mc Credie
- (f) Cllr Stephen Murray Loughton Town Council
- (g) Cllr Nigel Bedford
- (h) Game Care

The comments from the Gambling Commission have been incorporated into our policy, however, the other comments, whilst noted, have not.

Resource Implication:

None

Legal and Governance Implications:

Gambling Act 2005. Requirement to review Statement of Principles every 3 years

Safer and Cleaner and Greener Implications:

Better Regulation of Gambling.

Background Papers:

Gambling Commission – Guidance to Local Authorities – 5th Edition

Impact Assessments:

Risk Management:

Its important to have an up to date Statement of Principles, not to do so would compromise the Councils decision to take enforcement action in respect of premises subject to Gambling Act 2005

Equality and Diversity

The Statement of Policy addresses the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

Children are prohibited from entering premises used wholly or mainly as a casino.

There are admission restrictions on other premises.

The location of premises should be taken into account when deciding to grant a licence.

Conditions can be imposed on premises e.g. supervision of entrances/machines, segregation of areas where machines and gambling are located etc.

Attachments

Gambling Act 2005: Statement of Licensing Policy

List of responses from Consultees

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Gambling Act 2005

Statement of Licensing Policy

This policy will be reviewed in January 2022

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All references to the Guidance refer to the Gambling Commission’s Guidance to Licensing Authorities, 5th Edition, published September 2015 and updated September 2016.

PART A The Licensing Objectives

Fundamental Principles

In exercising their functions under the Gambling Act 2005, Epping Forest District Council, as the Licensing Authority, will promote the licensing objectives as set out in Section 1 of the Act.

The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This Licensing Authority is aware that, as specified in Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives;
- in accordance with this Statement of Policy.

1. Introduction

Epping Forest District Council (the Licensing Authority) is situated in the County of Essex, which contains twelve district or borough councils and two unitary authorities. The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and numerous picturesque villages and hamlets, but no natural centre. The majority of the district lies within the Metropolitan Green Belt, designed to restrict the spread of London into the Home Counties.

The district has a population of approximately *131,140 people, making it the sixth largest local authority area in Essex in terms of population size and equates to an estimated increase of 816 since the 2011 census (a rise of 0.63%). Approximately half of the population live in the southwest of the district (Buckhurst Hill, Chigwell and Loughton). Most of the rest of the population live in a mixture of market towns, villages and rural hamlets. Epping Forest is similar to the county average for children and young aged 0-15 (18.9%), 16-64 years old (61.4%) and older people aged 65+ (19.6%). It is predicted that over the next 15 years the age split of the population will change slightly with a small increase in the proportion of older people (20.76%) and a small decrease in the percentage of young people aged 0-17 (18.3%) and residents aged 18-64 (60.9%).

* Data from Public Health Intelligence Research and Insight Essex County Council Sept 2019

Unemployment in the district is generally low and many residents enjoy a high standard of living, with Epping Forest representing the third highest (of 12) average income for Essex Districts. However, there are also areas of significant disadvantage and the district has four of the wards amongst the ten most deprived in Essex.

This Policy will be published every three years. It will also be reviewed from “time to time” and where necessary, following consultation, it will be updated and re-published on the Council website.

The Gambling Act requires that licensing authorities consult with the following parties on the revision of their Licensing Policy:

- 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.

The list of persons this authority consulted is attached as Appendix B. The full list of comments made in response to the consultation is available via the Council’s website.

Copies were placed in the public libraries of the area as well as being available in the Civic Offices and on the website

Should you have any comments as regards this policy statement please send them via email or letter to the following contact:

Name: Licensing Manager
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ
E-mail: licensing@eppingforestdc.gov.uk

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

2. Declaration

In producing this policy, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on it.

3. Responsible Authorities

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

- the need for the body to be responsible for an area covering the whole of the Licensing Authority’s area, and;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

This authority designates the Essex County Council's Safeguarding Children Service for this purpose.

4. Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications are 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)."

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Persons who are democratically elected such as Councilors and MPs may be Interested Parties. No specific evidence of being asked to represent an interested person will be required as long as the Councilor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of those persons, requesting the representation is sufficient.

If individuals wish to approach Councilors to ask them to represent their views, then care should be taken that the Councilors are not part of the Licensing Committee dealing with the licence application.

5. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority

will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

6. Public Register

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g. H.M. Revenue and Customs). A Public Register is available on the Councils website that includes a list of all current licensed premises and permits under The Gambling Act 2005 within its District

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavor to be:

- Proportionate: and only intervene when necessary: remedies will be appropriate to the risk posed and costs identified;
- Accountable: we will be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards will be joined up and implemented fairly;
- Transparent: we will be open, and keep regulations simple and user friendly;
- Targeted: we will be focused on the problem, and minimise side effects.

In accordance with the Gambling Commission's Guidance for local authorities, the Licensing Authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented a risk-based inspection program, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, in particular at Part 36;
- The principles set out in this statement of licensing policy.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement / compliance protocols / written agreements will be available upon request to the Licensing Section, Civic Offices, High Street, Epping Essex CM16 4BZ and email:licensing@eppingforestdc.gov.uk

8. Licensing Authority Functions

The Licensing Authority is required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centre's;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

The Licensing Authority is not involved in licensing remote gambling at all. This is regulated by the Gambling Commission via Operating Licences.

PART B PREMISES LICENCES

1. General Principles

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

2. Decision-making

The Licensing Authority is required by the Act, in making decisions about premises licences, to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) also that unmet demand is not a criterion for a licensing authority.

3. Definition of Premises

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

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

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The licensing objective that seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises are not compromised, and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

4. Premises "ready for gambling"

The 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 or alterations required before the premises are brought into use.

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.

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

- Firstly, whether the premises ought to be permitted to be used for gambling;
- 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.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

5. Location

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As required by the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The applicant must show that they have taken into account such issues as the proximity of schools, centres for vulnerable adults or residential areas with a high

concentration of families with children. Should any other specific policy be decided upon as regards areas where gambling premises should not be located, this policy will be updated. It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Applications will not be granted in sensitive locations unless relevant criteria are met, the criteria includes proximity to nearby schools or other institutions where there is a potential for vulnerable people to be exposed to risks associated with gambling.

Applicants will be expected to provide with their applications:

- Details of how the premises will operate to restrict access from children and vulnerable people;
- Whether a proof of age scheme is being used;
- If an appropriate number of security staff are employed at appropriate times;
- What the opening times are in order that they do not coincide with schools start and finish times.

6. Planning

The Gambling Commission Guidance to Licensing Authorities states:

“In determining applications, the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.”

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

“When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence.”

Section 210 of the 2005 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.

7. Duplication with other Regulatory Regimes

Although the Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, and will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it, it will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

8. Licensing Objectives

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

Ensuring that gambling is conducted in a fair and open way - This Licensing Authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

The council acknowledges that Child Sexual Exploitation (CSE) does not just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises, however applicants should be equally aware that children in the proximity of the premises that may be waiting for or seeking older persons. There should be:

- regular staff training and awareness raising programs;
- regular patrols of the premises including adjoining or outside areas to identify children outside a licensed premises or meeting adults leaving a licensed premises;
- raised awareness of children looking uncomfortable in the company of, or leaving a premises with, older people.

The council does not wish to create an impression that all contact between adults and children is inappropriate, however, it is strongly advised that operators are aware of the risks of CSE and should proactively minimise the risk.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

Codes of practice are either:

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

Operators must comply with the code provisions covering risk assessments and local authority area profiles

Assessing local risk

Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- when applying for a new premises licence.

This Council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/ community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and /or disorder;
- local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

The Risk Assessment should be kept on the individual premises and made available for inspection by the Licensing Authority on request.

Sharing local risk assessments

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

9. Local Area Profiles

Risk assessments can make reference to the Council's Area Profile which may include reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Policy there has been no evidence presented to Epping Forest District Council to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes to 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 balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

10. Conditions

Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winning or prizes.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- The location of gaming machines.

This list is not exhaustive.

Category C machines or above.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

Door Supervisors

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who uses the ATM to cease Gambling in order to do so.

Adult Gaming Centres and Licensed Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that persons under 18 years do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

Casinos

The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such resolution will be made by Full Council.

Bingo premises

This Licensing Authority notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Gaming machines must remain with the licenced area covered by the premises licence. In unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional Bingo premises (so that the area that was the subject of a single licence would become divided between a number or separate licenced premises) it is not permissible for all gaming machines to be grouped together with one of the licenced premises

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

Betting Premises

Betting machines - This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Fixed Odds Betting Terminals (FOBT's)

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, The Licensing Authority will apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to comprehensively promote responsible gambling, adequately protect players, particularly in relation to those who are deemed to be vulnerable and to prevent persons under 18 years accessing gambling facilities.

In particular, applicants will be expected to show how they will prevent access to under 18's.

Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this Licensing Authority 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.

This authority will therefore 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.

This Licensing Authority may consider measures to meet the licensing objectives such as those outlined above.

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

Betting machines - This Licensing Authority 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 (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

The Local Authority consider a gaming machine is 'available for use' if a player can take steps to play it without the assistance of the operator. Where more than the permitted number of machines are physically located on a premises, licensees will need to demonstrate that no more than the permitted number are 'available for use' at any one time

11. Applications and Plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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 specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses, in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

Travelling Fairs

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or

- which, in the authority's opinion, reflect a change in the operator's circumstances.

Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change from the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

12. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Licensing Authority, however, to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, repetitious, or will certainly not cause this authority to wish to alter, revoke or suspend the licence.

Reviews will be carried out:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- if the request is reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

The Licensing Authority can also initiate a review of a licence for any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

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

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

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

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

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

PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it must apply to the Licensing Authority for a 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.

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

Guidance also states: "...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. Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles This Licensing Authority will expect 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 merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises, CRB checks for staff.

This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling

that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. Alcohol Licensed Premises Gaming Machine Permits

Automatic Entitlement: 2 machines

Premises licensed to sell alcohol for consumption on the premises may automatically have two gaming machines, of categories C and/or D. The premises must notify the Licensing Authority of their intention to exercise this right, but they may remove this automatic authorisation in respect of any particular premises if:

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

Permit for three or more machines

If a premises wishes to have more than two machines, then it must apply for a permit. The Licensing Authority will consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as it thinks relevant.

Each case will be considered on its merits, but, generally, it will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy them that there will be sufficient measures to ensure that persons under 18 years do not have access to “adult only” gaming machines. Measures which will satisfy the authority that there will be no access may include:

- Supervision of machine areas;
- Physical separation of areas;
- Notices / signage;
- The location of gaming machines

This list is not exhaustive.

As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare. It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Where an alcohol licensed premises applies for a premises licence for their non-alcohol licensed areas, any such application would need to be applied for, and will be dealt with, as an Adult Entertainment Centre premises licence.

3. Prize Gaming Permits

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm;
- training to cover how staff would deal with unsupervised and/or very young children on/around the premises and suspected truants.

In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Applicants for a permit must comply with the conditions laid down by the Gambling Act 2005.

The conditions in the Act are:

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

The Licensing Authority may not impose any further conditions.

4. Club Gaming and Club Machines Permits

Qualifying 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 gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members' clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations.” It is anticipated that this will cover bridge and whist clubs. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Licensing Authority is aware that it may only refuse an application on the grounds that:

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

Where a premises holds a Club Premises Certificate under the Licensing Act 2003, they may apply using the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an application under the process may be refused are:

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

Objections will not be lodged by the Commission or the police, as these will have been dealt with under the Licensing Act application procedure.

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.

5. Temporary Use Notices

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

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

6. Occasional Use Notices

The Licensing Authority has little discretion as regards these Notices, aside from ensuring that the statutory eight days in a calendar year is not exceeded and will grant such notices where statutory requirements are met.

7. Small Society Lotteries

Lottery licences will be issued in accordance with the Gambling Commission's Guidance to Local Authorities.

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			(to be approved by Executive)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B

LIST OF CONSULTEES

<p>Alex Burghart MP Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors Betting Offices British Transport Police Butler & Mitchells Brewers Roman Catholic Church Church of England Citizens Advice Bureau Consumers Association Cooley Partnership Campaign for the Protection of Rural England Curwens Solicitors Council for Voluntary Services Crime and Disorder Strategy Panel East Herts DC EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Forest PCT Epping Magistrates Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Service Essex Probation Service Essex Tourist Bodies Federation Synagogue Fosket Marr Gadsby & Head GamCare</p>	<p>Hammonds Solicitors Health and Safety Executive Essex HM Customs and Excise Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables McMullens Brewery Methodist Church Other Faith Groups Parish and Town Councils Police & Community Consultative Group Princess Alexandra NHS Trust Ridleys Brewery's Robert Halfon MP Rural Community Council of Essex Scottish & Newcastle Retail Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers Association Whiskers & Co Solicitors Disabled Coalition Group Child Protection Essex County Council Gambling Commission HM Revenue & Customs All current gambling premises within the district</p>
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APPENDIX C RESPONSIBLE AUTHORITY'S FOR GAMBLING ACT 2005 APPLICATIONS

<p>Epping Forest District Council Civic Offices High Street Epping Essex CM16 4BZ Attn:.....; Licensing Unit Tel: 01992 564034 licensing@eppingforestdc.gov.uk</p>	<p>Head of Child Protection (Licensing Applications) Essex County Council PO Box 297 County Hall Chelmsford Essex CM1 1YS licensingapplications@essexcc.gov.uk</p>
<p>Essex Police Licensing Unit (alcohol) PO BOX 12306 Newland Street Witham Essex CM8 2AS Attn: Peter Jones Tel:01279 625405 licensing.applications@essex.pnn.police.uk</p>	<p>Gambling Commission Victoria House Victoria Square Birmingham B2 4BP info@gamblingcommision.gov.uk</p>
<p>Essex Fire & Rescue Service Harlow & Epping Community Command Harlow Service Delivery Point Fourth Avenue Harlow Essex CM20 1DU Attn: : Community Commander Tel : 01279 420841 Email: he.command@essex-fire.gov.uk</p>	<p>HM Revenue & Customs Excise Processing team Gambling Duties BX9 1GL Nrubetting&gaming@hmrc.gsi.gov.uk Tel. 0300 200 3700</p>
<p>Director of Planning Civic Offices High street Epping Essex CM16 4BZ Tel: 01992 564514 Email: planning@eppingforestdc.gov.uk</p>	<p>Pollution & Public Health Unit Civic Offices High Street Epping Essex CM16 4BZ Brian Stallabross Tel:01992 564058 Email: publichealth@eppingforestdc.gov.uk</p>

Kim Tuckey

From: Denise Bastick
Sent: 29 January 2020 09:40
To: Kim Tuckey
Subject: FW: Consultation on Statement of Principles Under The Gambling Act 2005 [#44B9AC]

Denise Bastick
Licensing Compliance Officer
Commercial and Regulatory Service Directorate
dbastick@eppingforestdc.gov.uk
Tel: 01992 564334
Working hours Wednesday – Friday

Please contact Mrs Handan Ibrahim, Licensing Compliance Officer
hibrahim@eppingforestdc.gov.uk Tel: 01992 564153
Monday – Wednesday

From: Charlotte Meller [REDACTED]
Sent: 27 January 2020 10:43
To: Denise Bastick
Subject: FW: Consultation on Statement of Principles Under The Gambling Act 2005 [#44B9AC]

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Hi Denise
Thanks for sharing this with GC, I have had a quick read, mainly looking at the points that you have highlighted as amended and can offer some informal observations for your consideration
Thanks Charlotte

Credit (page 16) - there is a mandatory condition on location of ATMs via S177 of the Act (see [para 9.12 of GLA](#))

Bingo (page 17) think that is referencing an earlier version of the GLA – probably worth looking at [para 18.8 of GLA](#) which covers the machine allowances pre 2011 and then the changes that have been in force since 2011

FOBTs (page 17) – possibly some words missing in the 2nd sentence (do you mean the LA will give consideration to apply....where it has evidence based concerns?)

Betting machines (Page 18) think ref to section 6 of GLA is an old version of the GLA – as the current GLA section 6 is about statement of policy ? (may be worth checking if you have other refs to GLA sections in your policy that you are citing the latest text etc)

Responsible Authorities – HMRC new details (page 28)

HM Revenue and Customs
Excise Processing Teams
Gambling Duties

dbastick@eppingforestdc.gov.uk

Tel: 01992 564334

Working hours Wednesday – Friday

Please contact Mrs Handan Ibrahim, Licensing Compliance Officer

hibrahim@eppingforestdc.gov.uk Tel: 01992 564153

Monday – Wednesday



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Kim Tuckey

From: Denise Bastick
Sent: 19 February 2020 10:17
To: Kim Tuckey
Subject: FW: Consultation on Statement of Principles Under The Gambling Act 2005
Attachments: GamCare Local Authorities Brochure 2019 (square-web) Updated.pdf; Industry Services Brochure 2019 web.pdf

This response is more general

Sent with BlackBerry Work (www.blackberry.com)

From: Catherine Sweet <[REDACTED]>
Sent: 24 Jan 2020 16:44
To: Denise Bastick <dbastick@eppingforestdc.gov.uk>
Cc: licensing@eppingforest.gov.uk
Subject: RE: Consultation on Statement of Principles Under The Gambling Act 2005

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Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.

- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from operators who have achieved our Safer Gambling Standard.

If you would like more information on how our audit can support Local Licensing Authorities, please contact

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications

T:
E:



**Click here to sign-up
to our e-newsletter**

This email is solely intended to be received by the individual to whom it is addressed as it may contain confidential information. Please do not read, copy, forward or store this message unless you are the intended recipient. If you have received this email in error please notify GamCare immediately.

From: Info [REDACTED]
Sent: 24 January 2020 15:22
To: Catherine Sweet [REDACTED]
Subject: FW: Consultation on Statement of Principles Under The Gambling Act 2005

From: Denise Bastick <dbastick@eppingforestdc.gov.uk>
Sent: 23 January 2020 16:20
To: Info [REDACTED]
Subject: Consultation on Statement of Principles Under The Gambling Act 2005

This Message originated outside your organization.

[REDACTED]

Email [REDACTED]

Telephone [REDACTED]

Charlotte Meller

[REDACTED]

From: Gambling Commission [REDACTED]

Sent: Friday, January 24, 2020 7:14 AM

To: Rob Burkitt [REDACTED]

Subject: FW: Consultation on Statement of Principles Under The Gambling Act 2005 [#44B9AC]

-----Original Message-----

From: dbastick@eppingforestdc.gov.uk

Sent: 23 January 2020 14:46:22

[REDACTED]

Subject: Consultation on Statement of Principles Under The Gambling Act 2005

Good afternoon

Please find attached this Authority's draft consultation for the Gambling Act Policy. Please send any comments no later than 19th February 2020.

Kind regards.

Denise Bastick

Licensing Compliance Officer

Commercial and Regulatory Service Directorate

Kim Tuckey

From: Debbie Houghton
Sent: 18 February 2020 14:56
To: Kim Tuckey
Subject: FW: Draft Statement of Licensing Policy consultation

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*

From: Brian Minihane [REDACTED]
Sent: 17 February 2020 13:51
To: Licensing
Subject: Draft Statement of Licensing Policy consultation

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Good afternoon,

Further to your consultation in relation to the Statement of Principles under the Gambling Act 2005, I have reviewed the draft policy and would ask you to consider just one small point, as follows.

Within the Betting Premises category on Page 17, the following statement is provided:

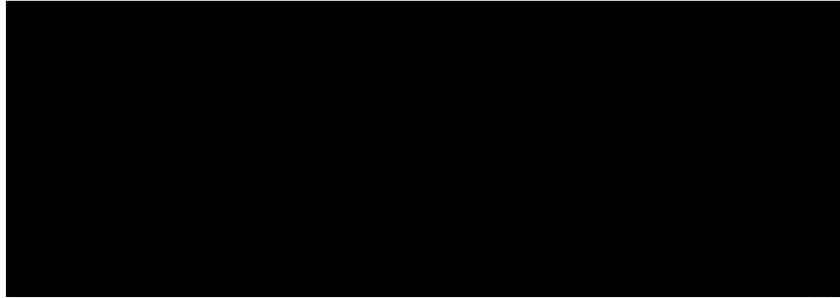
Fixed Odds Betting Terminals (FOBT's)

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, The Licensing Authority will give apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to comprehensively promote responsible gambling, adequately protect players, particularly in relation to those who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

I would recommend a very minor alteration to this text. The sentence reads "The Licensing Authority will give apply conditions", which already contains an error in the grammar, so is probably being altered anyway. I would suggest that this is changed to "The Licensing Authority may apply conditions". This confirms the ability to apply conditions if you feel they are required, rather than having to apply them on all occasions.

I am sure you can understand the sense in this proposed change, and hopefully you are able to revise the final version accordingly. But please feel free to contact me if you do wish to discuss anything further.

Kind regards
Brian



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Kim Tuckey

From: Debbie Houghton
Sent: 18 February 2020 14:56
To: Kim Tuckey
Subject: FW: Gambling consultation

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*

From: Malcolm Macdonald [REDACTED]
Sent: 30 January 2020 11:11
To: Licensing
Subject: Gambling consultation

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I am writing with respect to the consultation on the Gambling Act 2005.

As a church leader I simply want to encourage the Council to act according to its remit of:

- 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

Rather than acting to help the local economy etc. I think we should be prioritising the welfare of our residents in our decisions, not economic gain.

Many thanks
Malcolm Macdonald

[REDACTED]

[REDACTED]

[REDACTED]

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Kim Tuckey

From: Debbie Houghton
Sent: 18 February 2020 14:57
To: Kim Tuckey
Subject: FW: Gambling Act 2005

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*

From: St Michaels Church [REDACTED]
Sent: 30 January 2020 11:50
To: Licensing
Subject: Gambling Act 2005

CAUTION: This Message originated outside of Epping Forest District Council. Do not click links or open attachments unless you recognise the sender and know the contents is safe.

Dear K Tuckey

We were surprised to receive today the Council's Statement of Principles under the Gambling Act 2005.

As a church building, and one that lets out the hall to the community we do not allow gambling in any shape or form to take place here at St Michael and All Angels Church. We have not received one of these consultations in the past and was surprised to receive one today.

As a church we have a safeguarding policy and adhere to the child protection policies. We also have a policy for safeguarding vulnerable adults.

We run numerous groups and have members that help those who need care in the community and those affected by addiction in one form or another.

If you feel there is a reason why we had to receive this policy please could you advise us to where it would apply to us, so that we can adhere to it.

With Kind regards

Mrs Lisa McGee B.Sc(HONS) - St Michael's Church Secretary

Kim Tuckey

From: Debbie Houghton
Sent: 18 February 2020 14:57
To: Kim Tuckey
Subject: FW: Gambling Act Consultation

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*

From: cherry mccredie [REDACTED]
Sent: 30 January 2020 11:10
To: Debbie Houghton
Subject: Re: Gambling Act Consultation

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I totally support this.
Regards Cllr Cherry McCredie.

On Thu, 23 Jan 2020, 15:15 Debbie Houghton, <dhoughton@eppingforestdc.gov.uk> wrote:

Dear Colleague,

Please find attached this council's draft Gambling Act consultation Policy for your perusal or comment, please provide by comments by 19th February 2020,

Regards

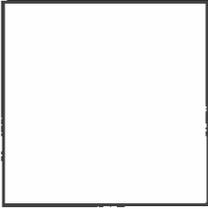
Debbie

*Miss Debbie Houghton
Licensing Officer
Licensing Team,*

Commercial and Regulatory Directorate

Tel: 01992 564336

E-mail: dhoughton@eppingforestdc.gov.uk



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Epping Forest District Council
Postmaster@Eppingforestdc.gov.uk

Kim Tuckey

From: Debbie Houghton
Sent: 18 February 2020 14:57
To: Kim Tuckey
Subject: FW: Gambling Act Consultation

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*

From: Stephen Murray [REDACTED]
Sent: 27 January 2020 12:01
To: Debbie Houghton
Subject: Re: Gambling Act Consultation

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I am assuming the highlighted green areas are where the changes are being made.

Having read these carefully i welcome their inclusion.

Kind regards

[REDACTED]

- Independent Councillor Stephen Murray - Loughton Roding Ward

[REDACTED]

From: Debbie Houghton <dhoughton@eppingforestdc.gov.uk>
Sent: 23 January 2020 15:19

[REDACTED]

Subject: Gambling Act Consultation

Dear Colleague,

Please find attached this council's draft Gambling Act consultation Policy for your perusal or comment, please provide by comments by 19th February 2020,

Regards

Debbie

Miss Debbie Houghton

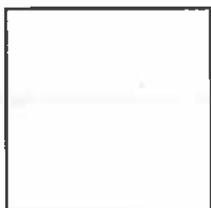
Licensing Officer

Licensing Team,

Commercial and Regulatory Directorate

Tel: 01992 564336

E-mail: dhoughton@eppingforestdc.gov.uk



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Epping Forest District Council

Postmaster@Eppingforestdc.gov.uk

Kim Tuckey

From: Debbie Houghton
Sent: 18 February 2020 14:57
To: Kim Tuckey
Subject: FW: Gambling Act Consultation

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*

From: Nigel Bedford [REDACTED]
Sent: 23 January 2020 17:21
To: Debbie Houghton
Subject: Re: Gambling Act Consultation

CAUTION: This Message originated outside of Epping Forest District Council. Do not click links or open attachments unless you recognise the sender and know the contents is safe.

Hi Debbie ,
Do we know any point 6 is the only one in red (public register)
Regards
Cllr Bedford

Sent from my iPad

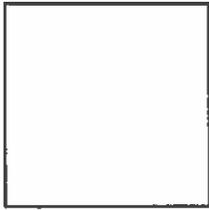
On 23 Jan 2020, at 15:07, Debbie Houghton <dhoughton@eppingforestdc.gov.uk> wrote:

Dear Colleague,

Please find attached this council's draft Gambling Act consultation Policy for your perusal or comment, please provide by comments by 19th February 2020,

Regards
Debbie

*Miss Debbie Houghton
Licensing Officer
Licensing Team,
Commercial and Regulatory Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk*



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<Statement of Gambling Licensing Policy Jan 2020 jn amend (002) Final Draft.docx>

<Consultation Letter on Statement of Principles Under The Gambling Act 2005.docx>