

**3 October 2024 at 7pm**

**Marconi Room, Civic Centre, Chelmsford**

## **Membership**

Councillor R. Lee (Chair)  
Councillor D. Clark (Vice-Chair)

## **and Councillors**

N. Chambers, H. Clark, A. Davidson, S. Davis, J. Frasca, A. John, J. Hawkins, L. Mascot, V. Pappa, S. Scott, and P. Wilson

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please email [dan.sharma-bird@chelmsford.gov.uk](mailto:dan.sharma-bird@chelmsford.gov.uk) or telephone (01245) 606523

# Licensing Committee

3 October 2024

## AGENDA

### 1. Apologies for Absence

### 2. Minutes

To consider the minutes of the meeting held on 13 September 2024.

### 3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) at least 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

### 5. Gambling Act 2005 – Statement of Principles 2025-2028

### 6. Licensing Act 2003 – Delegation of Powers for Section 20 Film Classifications

## 7. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

**MINUTES**

of the

**LICENSING COMMITTEE HEARING**

held on 13<sup>th</sup> September 2024 at 11.30am

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark, J. Hawkins and L. Mascot

1. **Apologies for Absence**

No apologies for absence were received.

2. **Declaration of Interests**

All Members were reminded to declare any interests where appropriate in any items of business on the meeting's agenda. None were made.

3. **Minutes**

The minutes of the meeting held on 25<sup>th</sup> July, were approved as a correct record.

4. **Licensing Act 2003 – Application for a Full Variation to a Premises Licence – Anglia Ruskin University, Lordship Road, Writtle, Chelmsford, Essex, CM1 3RR**

The Committee considered an application for a full variation to a premises licence made under Section 34 of the Licensing Act 2003 and had regard to the representation made during the consultation period. These related to the promotion of the below Licensing objectives.

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The application was for the below licensable activities:

Sale or supply of Alcohol Monday - Saturday 10:00 - 00:00 Sunday 12:00 – 23:30  
Performance of Dance Every day 00:01 – 00:00  
Performance of Live Music Every day 00:01 – 00:00  
Performance of Recorded Music Every day 00:01 – 00:00  
Provision of Plays Every day 00:01 – 00:00  
Provision of Films Every day 00:01 – 00:00  
Provision of Indoor Sporting Events Every day 00:01 – 00:00  
Provision of anything of a similar description Every day 00:01 – 00:00  
Provision of Late-Night Refreshment Every day 23:00 – 05:00

It was noted by the Committee that there were three options namely;

- Grant the application, on the terms and conditions applied for
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

**Applicant**

- Mrs C – Anglia Ruskin University

**Objectors**

- Writtle Parish Council (Cllrs Evans and Swan)

Officers informed the Committee that during the course of the application, one representation had been received from the local Parish Council. The Chair advised that the written representation had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee to summarise their application. They stated that they had held discussions with the Parish Council before the hearing and were happy to amend their application, to assure residents and the Parish Council. The Committee heard that they were happy to amend their application to 8am to 10pm, 7 days a week for the Performance of Dance, Live Music, Recorded Music and the Provision of Plays, Films, Indoor Sporting Events and anything of a similar description, but for the sale or supply of Alcohol to remain as applied for. The applicant also informed the Committee of the types of events that would be held, which included, open days for applicants, the Science festival, the Skills festival and graduation drinks receptions.

In response to a question from the Committee, the applicant stated they had an exception on their previous licence for the Summer Ball to be run until 1am and they wanted that to remain on the varied licence if granted. Officers indicated that as this had not been specifically applied for on the variation, the best solution would likely be to hold this event under a Temporary Event Notice instead.

The Committee heard from the Parish Council, who stated that their objection had been around the effective 24 hour opening, but if they were amended as discussed they would be happy with those hours. The Parish Council also asked if it was possible to be notified in advance of any events being held. The applicant stated that they would discuss the notification of events with the Parish Council after the meeting, but were happy to do so. The applicant also confirmed to the Committee, that they would be happy to hold the Summer Ball event under a Temporary Event Notice.

The Committee thanked the applicant, Parish Councillors and the officers for their input and advised that the decision would be made during the deliberation after the meeting. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

The Committee gave careful consideration to the relevant representations both written and made in the course of the remote hearing.

**RESOLVED** that the Director of Public Places be authorised to grant the variation application on the terms applied for, but with the following modification to the licensable activities.

The Modification of:

The licencing hours be 8am-10pm, 7 days a week for the provision of the following licensable activities:

- Performance of Dance
- Live Music
- Recorded Music
- Provision of Plays, Films, Indoor Sporting Events, and
- anything of a similar description

Provision for the sale of alcohol would remain as applied for.

This was offered up by the applicant and agreed to by Writtle Parish Council, as acceptable at the hearing.

### ***Reasons for decision***

In reaching its decision the Committee considered all representations made and in particular, the representations made by Writtle Parish Council. All decisions on licencing applications must be evidence based. The Committee is mindful that none of the responsible authorities (in particular Essex Police and Environmental Services) had raised any objections to the application.

The applicant confirmed at the hearing that they were happy to modify the hours as above and Writtle Parish Council (the objector) signified that they were happy with the modification.

The Committee was satisfied that there was no evidence at this point in time, in prospective harm if the application were to be granted and considered in all circumstances, that it was appropriate the application be granted on the terms as set out above.

The Committee also agreed that the Summer Ball be excluded from the licence as it was not part of the application as applied for, and to allow representations to be made on further application. A Temporary Event Notice would, therefore, be required for this event.

It is noted that the applicants were acceptable to the Summer Ball being held under a Temporary Event Notice.

The meeting closed at 11:44am

Chair



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## Chelmsford City Council Licensing Committee

DATE: 3 October 2024

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### GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES 2025 - 2028

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Report by: Director of Public Places

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Officer Contact: Daniel Winter, Lead Licensing Officer

[Daniel.winter@chelmsford.gov.uk](mailto:Daniel.winter@chelmsford.gov.uk)

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#### Purpose

To consider a proposal to consult on and recommend to the Cabinet, adopting the revised Statement of Principles pursuant to s.349 (1)(b) of the Gambling Act 2005 (the Gambling Policy) as required under the Gambling Act 2005 which is required to be reviewed every three years.

#### Recommendations

1. Members consider whether or not Chelmsford City Council's existing Gambling Statement of Principles (the Policy) (as reviewed and slightly amended) remains fit for purpose.
2. The Gambling Statement of Principles (the Policy) is consulted on ahead of a recommendation being made to Cabinet to adopt the revised Statement of

Principles, to comply with the requirements of the Gambling Act 2005 and obtain any relevant views of interested parties or responsible authorities and use those views to inform any suggested changes to the policy

3. A delegation be made to the Chair of the Committee, in consultation with the Public Health and Protection Services Manager, to consider and make any changes as a result of consultation responses ahead of the Cabinet meeting.

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## 1. Background

- 1.1 S.349 (1)(b) of the Gambling Act 2005 (The Act) requires the Licensing Authority (The Council) to publish a Statement of Principles every three years with the existing Statement published in January 2022. Therefore the next review is due by 31<sup>st</sup> January 2025.
- 1.2 A draft revised Statement of Principles has been attached at Appendix A.
- 1.3 The Council has a duty to consult in respect of proposed policy and officers seek approval to conduct that public consultation.
- 1.4 Due to the timescales involved it is further proposed that the Licensing Committee approve this Statement of Principles as our proposed statement to be considered for adoption by Cabinet on 12<sup>th</sup> November 2024 without further reference, subject to no adverse representations having been received in response to consultation.
- 1.5 Should comment be made that needs further consideration before proposal to Cabinet, a delegation be granted to the Chair of the Committee, in consultation with the Public Health and Protection Services Manager, to consider and make any changes ahead of the Cabinet meeting.

## 2. Information

- 2.1 The Council is the licensing Authority for the purposes of the Act which requires the Council to Publish a Statement of Principles that it proposes to apply in exercising its functions under the Act.
- 2.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory function under the Act and promoting the three Licensing Objectives:
  - Preventing gambling from being a source of crime or disorder, being associated with crime, 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



- 2.3 The Act was designed to give a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 2.4 The Act specifies that Local Authorities should 'aim to permit' gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

### 3. Proposed Changes to our Statement of Gambling policy

- 3.1 The current statement was comprehensively reviewed in 2022 to reflect the updated Guidance published by the Gambling Commission (6th Edition, September 2018). Since 2022 there have been proposed and implemented changes to the Gambling policies and legislation. The relevant changes for this report are;

#### **Player Protection Measures:**

- New regulations require gambling operators to implement "seamless" player protection checks. These checks aim to identify at-risk players by monitoring gambling behaviours and financial vulnerabilities. Operators will need to conduct light-touch financial vulnerability checks for online customers depositing over £500 monthly (from August 30, 2024) and eventually lowering this threshold to £150 monthly (from February 28, 2025). This is part of a broader initiative to ensure that gambling does not lead to significant financial harm.

#### **Land-Based Gambling Changes:**

- Land-based gambling venues, including casinos, are now permitted to offer a wider range of gambling activities, such as sports betting, previously restricted to online platforms. This brings more flexibility to land-based operators, helping to modernize their services and attract more customers.

#### **Age Verification**

- As of August 30, 2024, all gambling operators must verify the age of any customer who appears to be under 25 years old. This policy applies to both land-based and online operators and enhances protections against underage gambling.

- 3.2 With the recent change in government, there has been a delay in the much-anticipated release of updated guidance from the Gambling Commission this year. It is currently unclear if the new government will adopt the proposed changes that were part of the previous administration's agenda. This lack of clarity poses challenges in determining the future regulatory landscape for gambling, particularly concerning the introduction of stake limits, the mandatory levy, and the broader consumer protection measures.

3.3 The Committee should be aware that until further guidance is issued, it is difficult to predict which of the proposed changes will be implemented and how the new government's policies may alter or delay them. Once we have the guidance we will seek a more comprehensive review of the policy.

3.4 The proposed changes to the Statement of Principles (as conditions at 14.22-14.24 and 17 of the policy are as follows;

14.22 All gambling operators must apply strict age verification checks to any customer who appears to be under the age of 25, in both physical and online environments. This is to ensure compliance with the age restrictions established under the Gambling Act.”

14.23 The Licensing Authority will expect applicants to demonstrate comprehensive measures to protect vulnerable individuals. This now includes enhanced affordability checks for players with significant spending patterns and mandatory cooling-off periods to prevent continuous gambling. Furthermore, all operators must ensure that safer gambling messages are prominently displayed on all gaming platforms:

14.24 Licensees must perform light-touch financial vulnerability checks on customers depositing over £500 per month from August 2024, reducing to £150 per month from February 2025.”

17.1 Land-based gambling venues, including casinos, are permitted to expand their range of gambling activities to include sports betting and other forms of wagering previously restricted to online platforms. This expansion includes, but is not limited to, fixed-odds sports betting, in-play betting, and betting exchanges.

#### 4. Consultation

4.1 The Council has a duty to consult on the revision and it is important that consultation takes place to ensure the Statement of Principles is clear and transparent for businesses, responsible authorities and the public, and to seek views on any suggestions for amendments that consultees may have.

4.2 The legislation specifies those persons and groups that the Council has a duty to consult with.

4.3 If the Committee approves the proposed Statement of Principles, we will follow our consultation process over a 4 week period to ensure we consult with all the statutory consultees and will be:

- the chief officer of police
- Publicising the consultation on the Council's website and social media
- Placing a public notice in the local newspaper
- Placing a copy of the public notice in the Civic Centre foyer
- Writing to or emailing other responsible authorities as required by the Act

## 5. Conclusion

- 5.1 The Licensing Committee are asked to approve the revised Statement of Principles for consultation. If no adverse comments are received, the Cabinet will then consider the revised Statement on 12th November 2024, ahead of the revised Statement being considered by Full Council on 4th December 2024, prior to adoption in January 2025.
- 5.2 If adverse comments are received during the consultation, then the Chair in consultation with the Public Health and Protection Services Manager, be delegated the authority to make any changes to the revised statement ahead of the Cabinet meeting.
- 5.3 The Council has a legal obligation to undertake this consultation and may opt to:
1. Recommend the attached policy as suitable for consultation
  2. Recommend any other option that might meet the Councils legal obligations.

## Appendices:

Appendix A – Draft Revised Statement of Principles

## Background reading:

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2019-22](#)

[Gambling Commission Guidance to licensing authorities 5th edition](#)

[September 2015](#)

[Gambling Commission – Participation and Perceptions Report February 2018](#)

[Gambling Regulation: Councillor Handbook – Local Government Association \(2018\)](#)

## Corporate Implications

Legal/Constitutional: The Statement of Principles is necessary in order to provide the Authority with the powers provided under this Act.

Financial: Cost of Newspaper advert

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

### STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING

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## **PART A**

### **1 INTRODUCTION**

- 1.1 This Statement of Principles sets out the policy that Chelmsford City Council, as the Licensing Authority under s.349 (1)(b) of the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act in addition to: -
- Designating the body responsible for advising the Authority on the protection of children from harm;
  - Determining whether or not a person is an "Interested Party";
  - Exchanging information with the Gambling Commission and others; and
  - Inspecting premises and instituting proceedings for offences under the Act.
- 1.2 It should be noted that this policy may be affected by any revised guidance issued by the Gambling Commission or as a result of any stated court appeal cases.

### **2. THE LICENSING OBJECTIVES**

- 2.1 In exercising its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are: -
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### **3. RESPONSIBILITIES UNDER THE ACT**

- 3.1 The Act introduced a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 3.2 The Act establishes Chelmsford City Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee (created under Section 6 of the Licensing Act 2003) across the whole Council area.
- 3.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who: -
- Operate a casino;
  - Provide facilities for playing bingo or for pool betting;

- Act as intermediaries for betting;
- Make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- Manufacture, supply, install, adapt, maintain or repair gaming machines;
- Manufacture, supply, install or adapt gambling machine software; or
- Promote a lottery.

3.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. This includes all types of gambling, other than spread betting and the National Lottery. The Licensing Authority is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority is also responsible for the registration of certain types of Small Society Lotteries.

3.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling where they are used:

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives, and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

3.6 Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission (With the exception of Tracks).

#### **4. STATEMENT OF LICENSING POLICY**

4.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy (The Policy), which contains the principles it proposes to apply when exercising its functions under the Act.

4.2 The Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

4.3 This revised policy will have effect from 1<sup>st</sup> February 2025 until 31 January 2028

#### **5. CONSULTATION**

5.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.

5.2 The Act requires that the following parties are consulted by the Licensing



Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

5.3 The other groups and people consulted were: -

- Organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

5.4 The Licensing Authority's consultation took place between [to be confirmed]

5.5 A full list of comments made and details of the Council's consideration of those comments will be available by request to The Licensing Section, Public Places, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford, Essex CM1 1JE. ([licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk))

## 6. APPROVAL OF POLICY

6.1 This Policy was approved at a meeting of the Council on XX November December 2024 published via its website. Copies are available on request or on the Council's WebSite ( [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk) )

6.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit in accordance with the requirements of the Act.

## 7. DECLARATION

7.1 In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.

7.2 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers of this document and should not be interpreted as legal advice or as constituent of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or they should consult the Guidance or Regulations made under the Act.

## 8. RESPONSIBLE AUTHORITIES

8.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in the Definition/Glossary. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.

8.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied: -

- The competency of the body to advise the Licensing Authority;
- 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 invested interest group etc.

8.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex Safeguarding Children Board for this purpose.

## 9. INTERESTED PARTIES

9.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows: -

' A person is an interested party' in relation to a premises licence or in relation to an application for or in respect of a premise if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities; or
- c) Represents persons who satisfy paragraphs (a) or (b).

9.2 Interested parties can be persons who are democratically elected, such as District and Parish Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties.

9.3 District Councillors who are members of the Licensing Committee will not qualify to act in this way.

9.4 Other than persons mentioned in **10.2** and **10.3**, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

9.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

9.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors: -

- The size of the premises;
- The nature of the premises;

- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- The catchment area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

## **10. EXCHANGE OF INFORMATION**

10.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to: -

- The provisions of the Act, which include the provision that the Data Protection Act 2018 will not be contravened;
- The guidance issued by the Gambling Commission;
- Data Protection Act 2018;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- The Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

10.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form). An audit trail should include: -

- Record of data disclosed.
- Project chronology; and
- Notes of meetings with other partners and recent correspondence, including phone calls.

10.3 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and

detection of crime, but we will only share any personal details for this purpose is required to do so by law.

## **11 PUBLIC REGISTER**

11.1 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). Regulations will prescribe what information should be kept in the register.

## **12 COMPLIANCE AND ENFORCEMENT**

12.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice requiring actions to be: -

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

12.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.

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

12.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

12.5 Where an operator carries out test purchasing in their premises, Chelmsford City Council expects to be advised of the results. Should the results show a failure, then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.

12.6 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

- Coral – London Borough of Newham
- Ladbrokes – Milton Keynes
- Paddy Power – Reading
- William Hill – City of Westminster

### **13 DELEGATION OF POWERS**

- 13.1 The Council has agreed a scheme of delegation for discharging its functions under the Act.

DRAFT

## **PART B PREMISES LICENCES**

### **14. GENERAL PRINCIPLES**

- 14.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.
- 14.2 Each case will be decided on its merits and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing objective concerns can be overcome.
- 14.3 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit: -
- In accordance with any relevant codes of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - To be reasonably consistent with the Licensing Objectives; and
  - In accordance with the Authority's Policy.

#### **14.4 Definition of Premises:**

A premise is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises, although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

#### **14.5 Demand:**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

#### **14.6 Location:**

Location will only be of material consideration in the context of the Licensing Objectives.

- 14.7 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing

Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

- 14.8 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6<sup>th</sup> April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at 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 this policy.
- 14.9 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy;
  - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c) when applying for a variation of a premises licence; and
  - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 14.10 The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
  - whether the premises is in an area subject to high levels of crime and/or disorder
  - the ethnic profile of residents in the area, and how game rules, self-exclusion leaflets etc. are communicated to those groups
  - the demographics of the area in relation to vulnerable groups
  - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- 14.11 In every case, the risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 14.12 The Licensing Authority expects all licensed premises to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.
- 14.13 Information contained within the local area risk assessment may be used to inform the decision the Licensing Authority makes about whether to grant a licence, to grant a licence with special conditions or to refuse an application.
- 14.14 This policy does not preclude an application being made, and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome.
- 14.15 Chelmsford City Council has not published a local area profile, however, the Licensing Authority commits to assisting applicants by providing them such

information that they may require when considering their local area risk assessments.

#### 14.16 **Duplication with other Regulatory Regimes:**

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

#### 14.17 **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered: -

- **Preventing gambling from a source of crime or disorder, being associated with crime or disorder, or being used to support crime –**  
Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

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 the need for conditions, such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Act.

- **Ensuring that gambling is conducted in a fair and open way –**  
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**  
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.



#### 14.18 Conditions:

Any conditions attached to Licences will be proportionate and will be: -

- Relevant to the need to make the proposed premises 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.

14.19 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following:

- Proof of age schemes (*where applicable*)
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage.
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies

14.20 Decisions upon individual conditions will be made on a case-by-case basis.

Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

14.21 It is noted that there are conditions, which the Licensing Authority cannot attach to Premises Licences. These are: -

- Any conditions on the Premises Licence which make 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);

- Conditions in relation to stakes, fees, and the winning of prizes.

14.22 All gambling operators must apply strict age verification checks to any customer who appears to be under the age of 25, in both physical and online environments. This is to ensure compliance with the age restrictions established under the Gambling Act.

14.23 The Licensing Authority will expect applicants to demonstrate comprehensive measures to protect vulnerable individuals. This now includes enhanced affordability checks for players with significant spending patterns and mandatory cooling-off periods to prevent continuous gambling. Furthermore, all operators must ensure that safer gambling messages are prominently displayed on all gaming platforms.

14.24 Licensees must perform light-touch financial vulnerability checks on customers depositing over £500 per month from August 2024, reducing to £150 per month from February 2025.

#### 14.25 Door Supervisors:

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objective of protecting children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime.

*The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises or evidence of a likelihood that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and required*

As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

#### 14.26 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the licensing authority may apply conditions as to where they are sited.

#### 14.27 Betting Machines: (see appendix for definition)

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

14.28 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall 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 or by vulnerable persons.

14.29 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of the codes of practice or guidance issued under the Act.

## **15 PROVISIONAL STATEMENTS**

15.1 A Premises Licence under the Gambling Act 2005 may lawfully be granted in respect of premises that are not ready to be used for gambling, the premises being about to be or in the course of construction or alteration, and they being premises which the applicant has a right to occupy and in respect of which they hold an operating licence which authorises him/her to carry on the activity in respect of which the Premises Licence is sought.

## **16. REPRESENTATIONS AND REVIEWS**

16.1 Representations and Applications for Review of Premises Licence may be made by responsible authorities and interested parties.

16.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Environmental Services Manager, Safer Communities as being the proper person to act on its behalf.

16.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the Licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.

16.4 There is no appeal against the Authority's determination of the relevance of an application for review.

## **17 LAND-BASED GAMBLING PREMISES**

**17.1 Land-based gambling venues, including casinos, are permitted to expand their range of gambling activities to include sports betting and other forms of wagering previously restricted to online platforms. This expansion includes, but is not limited to, fixed-odds**

sports betting, in-play betting, and betting exchanges with the following conditions:

- **Compliance with Existing Regulations:**  
All expanded gambling services must comply with the Gambling Act 2005 and any subsequent amendments, ensuring that gambling activities are conducted fairly and transparently.
- **Responsible Gambling Measures:**  
Venues must prominently display safer gambling messages and provide customers with self-exclusion tools, deposit limits, and other responsible gambling measures. Age verification checks must be enforced for all customers appearing under the age of 25.
- **Betting Transparency:**  
Venues offering sports betting must ensure that real-time odds, bet outcomes, and in-play betting options are clearly displayed and regularly updated for transparency and fairness.
- **Technology Integration:**  
Self-service betting terminals (SSBTs) are permitted, provided they comply with the Gambling Commission's regulations, including responsible gambling safeguards and real-time monitoring of customer activity.
- **Licence Modifications:**  
Venues wishing to offer expanded services must apply for a variation of their premises licence to include the new gambling activities.

## 18 ADULT GAMING CENTRES

- 18.1 An Adult Gaming Centre is defined in **Appendix C**. Entry to these premises is age restricted.
- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## 19 LICENSED FAMILY ENTERTAINMENT CENTRES

- 19.1 A Licensed Family Entertainment Centre is defined in **Appendix C**. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## 20 CASINOS

- 20.1 Casinos are defined in Appendix B. Chelmsford was not selected as one of the sites for one of the new casinos.
- 20.2 In the event that the Government decide to grant any further casino licences the Licensing Authority will consult widely on this issue.
- 20.3 The Licensing Authority can restrict the number of **betting machines**, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence. When

considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should take into account: -

- The size of the premises;
- The number of counter positions available for person to person transactions;
- The ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice and Guidance issued under the Act.

20.5 **Credit** facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **21 BINGO PREMISES**

21.1 A Bingo premises is defined in **Appendix C**. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 **Credit** facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **22 BETTING PREMISES**

22.1 Betting Premises are defined in **Appendix C**

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

### **22.3 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 due consideration to the need to 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 enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

## **23 TRACKS**

23.1 A Track is defined in **Appendix C**. Entry to these premises is generally age restricted except on days when racing takes place or is scheduled to take place.

On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

## **24 TRAVELLING FAIRS**

- 24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

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## **PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES & REGISTRATIONS**

### **25 GENERAL**

25.1 Forms and Method of Application and any additional information or documents required for permits covered by this section will be available when the Regulations under the Act are made by the Secretary of State.

### **26 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

26.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may 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.

#### **26.2 Statement of Licensing Principles**

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include: -

- Criminal Record Bureau checks for staff;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises,
- Training covering how staff would deal with:-
  - Unsupervised, very young children being on the premises;
  - Children causing perceived problems on/around the premises; and
  - Suspected truant children.

### **27 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

27.4 Where an application for more than two gaming machines is received, 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 under 18 year olds do not have access to the adult only machines. Measures will cover such issues as: -

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information in the form of leaflets or help line numbers for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

## **28 PRIZE GAMING PERMITS**

### **28.1 Statement of Licensing Principles**

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include: -

- Criminal Record Bureau checks for staff;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises,
- Training covering how staff would deal with:-
  - Unsupervised, very young children being on the premises;
  - Children causing perceived problems on/around the premises; and
  - Suspected truant children.

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

## **29 CLUB GAMING AND CLUB MACHINE PERMITS**

29.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.



- 29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.
- 29.3 Commercial Clubs may apply for a Club Gaming Machine Permit only but are restricted by category and number of machines.

### **30 TEMPORARY USE NOTICES (TUN)**

- 30.1 The persons designated to receive TUNs and to issue objections are specified in **Appendix C**.
- 30.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. (At present this applies to equal chance gaming only)
- 30.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 30.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.5 The Licensing Authority will 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.

### **31 OCCASIONAL USE NOTICES (OUN)**

- 31.1 Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to benefit from the use of such a Notice.
- 31.5 The person designated to receive the OUNs (tracks only) and assess its validity is specified in the scheme of delegation as the Director of Safer Communities. A copy of the notice must also be served on the local Chief of Police.

## 32 SMALL SOCIETY LOTTERIES

32.1 The definition of a Small Society Lottery is contained in **Appendix C** and these require registration with the Licensing Authority.

**Note** - Further information on small society lotteries may need to be included once the consultation document on the lotteries has been concluded.

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## APPENDIX A

### List of Consultees

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) Some of these organisations provide codes of practice on their particular interest area.

The draft policy was placed on the Council Website and in accordance with the Act the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Appendix B).
- Holders of Premises Licences and Permits under the Gambling Act 2005
- Gamblers Anonymous,
- The Licensing Committee
- Public Health

**APPENDIX B**

**RESPONSIBLE AUTHORITIES**

<b>ORGANISATION</b>	<b>CONTACT AND ADDRESS</b>	<b>TELEPHONE</b>
Chelmsford City Council (Licensing Authority)	Public Health and Protection Services Manager Chelmsford City Council The Civic Centre Duke Street Chelmsford CM1 1JE	01245 600606 or 01245 606800
Essex Police	The Licensing Manager The Licensing Department Essex Police Braintree Essex CM7 3DJ	01245 212501
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Headquarters Kelvedon Park Rivenhall Witham Essex CM8 3HB	01245 328388
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX	0845 6037627
Chelmsford City Council [Planning]	Head of Planning Service Chelmsford City Council The Civic Centre Duke Street Chelmsford CM1 1 JE	01245 606606
Chelmsford City Council [Environmental Health - Noise Pollution and Premises Safety]	Principal Environmental Health Officer Public Places Chelmsford City Council The Civic Centre Duke Street Chelmsford CM1 1JE	01245 606606 or 01245 606800

ORGANISATION	CONTACT AND ADDRESS	TELEPHONE
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

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## APPENDIX C

### DEFINITIONS

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Automatic provision</li> <li><input type="checkbox"/> Regulations provided by Secretary of State</li> <li><input type="checkbox"/> Conditions provided by Gambling Commission</li> <li><input type="checkbox"/> Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Small Society Lottery [required to register with Licensing Authorities.</li> <li><input type="checkbox"/> Incidental Non Commercial Lotteries.</li> <li><input type="checkbox"/> Private Lotteries.</li> <li><input type="checkbox"/> Customer Lotteries.</li> </ul>
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.																											
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.  <u>Categories</u>  <table border="1"> <thead> <tr> <th>Category</th> <th>Max. Stake</th> <th>Max. Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£5</td> <td>£10,000</td> </tr> <tr> <td>B2</td> <td>£100</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3A</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£2</td> <td>£400</td> </tr> <tr> <td>C</td> <td>£1</td> <td>£100</td> </tr> <tr> <td>D</td> <td>10p or 30p*</td> <td>£5 or £8*</td> </tr> </tbody> </table> <p>*when monetary prize only</p>	Category	Max. Stake	Max. Prize	A	Unlimited	Unlimited	B1	£5	£10,000	B2	£100	£500	B3	£2	£500	B3A	£2	£500	B4	£2	£400	C	£1	£100	D	10p or 30p*	£5 or £8*
Category	Max. Stake	Max. Prize																										
A	Unlimited	Unlimited																										
B1	£5	£10,000																										
B2	£100	£500																										
B3	£2	£500																										
B3A	£2	£500																										
B4	£2	£400																										
C	£1	£100																										
D	10p or 30p*	£5 or £8*																										
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions.  Article 6: The right to a fair hearing.  Article 8: The right of respect for private and family life.  Article 10: The right to freedom of expression.																											
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]																											
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.																											
Interested Party	A person who:- <input type="checkbox"/> Lives sufficiently close to the premises to be likely affected by the authorised activities. <input type="checkbox"/> Have business interests that might be affected by the authorised activities. <input type="checkbox"/> Represents persons in either of the above groups.																											
Licensing Objectives	1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.  2. Ensuring that gambling is conducted in a fair and Open way.  3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.																											
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.																											
Lottery Tickets	Tickets that must:- <input type="checkbox"/> Identify the promoting society;																											

	<ul style="list-style-type: none"> <li>❑ State the price of the ticket, which must be the same for all tickets;</li> <li>❑ State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and</li> <li>❑ State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
Members' Club	<p>A club that must:-</p> <ul style="list-style-type: none"> <li>❑ Have at least 25 members;</li> <li>❑ Be established and conducted 'wholly or mainly' for purposes other than gaming;</li> <li>❑ Be permanent in nature;</li> <li>❑ Not be established to make commercial profit;</li> <li>❑ Be controlled by its members equally.</li> </ul>
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</li> <li>❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</li> </ul> <p>Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	Where the nature and size of the price is not determined by the number of people playing or the amount paid for or raised



	by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where a applicant can make an application to the Licensing Authority in respect of premises that he:-  <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-  <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency  Full details of Responsible Authorities for the Chelmsford District are contained in Appendix 'B' to this Policy.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To 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.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and

	gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <li><input type="checkbox"/> gamble more than they want to</li> <li><input type="checkbox"/> gamble beyond their means</li> <li><input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs</li> </ul>
Young Person	An individual who is not a child but who is less than 18 years old.

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## APPENDIX D

### TEMPORARY USE NOTICES

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Essex Police
- HM Commission for Revenues and Customs
- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

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**APPENDIX E**  
DELEGATION OF FUNCTIONS

<b>Matters to be dealt with</b>	<b>Licensing Committee</b>	<b>Director of Public Places</b>	<b>Public Health &amp; Protection Services Manager</b>
<b>Application for a premises licence</b>	Where representations have been received and not withdrawn. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	Where no representations are received/representations have been withdrawn.	
<b>Application for a variation to a licence</b>	Where representations have been received and not withdrawn. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	Where no representations are received/representations have been withdrawn.	
<b>Application to transfer a licence</b>	Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission	
<b>Application for a provisional statement</b>	Where representations have been received and not withdrawn. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b)	Where no representations are received/representations have been withdrawn.	

Matters to be dealt with	Licensing Committee	Director of Public Places	Public Health & Protection Services Manager
Review of a premises licence	<b>X</b>		
Decision as to whether a representation is relevant		<b>X</b>	
Licensing Authority to make representations as a responsible authority			<b>X</b>
Proposal to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions			<b>X</b>
Proposal to exclude a default condition from a premises licence under S169(1)(b) of the Act			<b>X</b>
Request a review of a premises licence under sections 197 or 200 of the Act as a responsible authority			<b>X</b>
Give a notice of objection to a temporary use notice under S221 of the Act			<b>X</b>
Determine that any representations received under part 8 of the Act are vexatious, frivolous or certainly will not influence the Authority's determination of an application	<b>X</b>		
Reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act		<b>X</b>	
Revoke a premises licence for non-payment of the annual fee (s193)		<b>X</b>	

Matters to be dealt with	Licensing Committee	Director of Public Places	Public Health & Protection Services Manager
<b>Application for a club gaming/club machine permit</b>	Where objections have been received and not withdrawn. Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d), or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary.	Where no objections/objections have been withdrawn.	
<b>Cancellation of a club gaming/club machine permit</b>	<b>X</b>		
<b>Application for other permits/registrations</b>		<b>X</b>	
<b>Cancellation of licensed premises gaming machine permits</b>	All cases where permit holder requests a hearing under paragraph 16(2) or makes representations.	All other cases	
<b>Consideration of temporary use notice</b>	All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and the Environmental Services Manager is satisfied that a counter notice is not required.	All other cases	
<b>Serve notification of intended refusal of any of the following:- Family Entertainment Centre Gaming Machine Permit (Sch 10 para 10) Prize Gaming Permits (Sch 14 para 11) Licensed Premises Gaming Machine Permits (Sch 13 para 6) And also in the latter case notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the</b>		<b>X</b>	

Matters to be dealt with	Licensing Committee	Director of Public Places	Public Health & Protection Services Manager
application			
Serve notification of lapse of any of the following:- <b>Family Entertainment Centre Gaming Machine Permit (Sch 10 para 14 and 15(1)(b))</b>		<b>X</b>	
Serve notice of intention to cancel or vary any of the following:- <b>Club Gaming Permit or Club Gaming Machine Permit (Sch 12 para 21)</b> <b>Licensed Premises Gaming Machine Permits (Sch 13 para 16)</b>		<b>X</b>	
Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:- <b>Family Entertainment Centre Gaming Machine Permits ( Sch 10 paras 5 and 7)</b> <b>Licensed Premises Gaming Machine Permits(Sch 13 para 2)</b> <b>Prize Gaming Permits (Sch 14 paras 6 and 8)</b>		<b>X</b>	

The Director of Public Places be given delegated power to administer and carry out all other functions of the Licensing Authority capable of delegation under The Gambling Act 2005 and its subordinate legislation, (and any other legislation which may subsequently amend or replace it) which is not otherwise delegated to the Authority or the Licensing Committee.

## APPENDIX F

### APPLICATION PROCESS

This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an Operating Licence allowing the proposed activities to be carried out. The Premises Licence cannot be granted until the necessary Operator's Licence has been issued.

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing category C gaming machines.

A licence is restricted to one premises only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

### **BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)**

#### **New Licences or Permissions**

Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an Operator's Licence and from 31 January 2007 to the Licensing Authority for a Premises Licence.

### **TRACKS**

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises licence holder (in relation to dog tracks). Pool betting may not be provided elsewhere.



Gaming machines, consisting of a maximum of 4 machines of categories C – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

Betting machines may also be operated at tracks (see *'Betting machines'*).

**The licensing process is the same as for other premises described above.**

## BETTING MACHINES

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

## GAMING MACHINE SUPPLY & REPAIR

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## GAMING MACHINES IN LICENSED PREMISES

Premises Licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Gambling Act 2005 introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

**Fig. 1**

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D Non money prize (other than a crane machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)

D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)
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**Fig. 2**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)			Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio).					
Small casino (machine/table ratio of 2-1 up to maximum)			Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).					
Pre-2005 Act casinos (no machine / table ratio)			Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.					
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo Premises					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 **		No limit on category C or D machines	
Adult gaming centre					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family Entertainment Centre gaming machine permit							No limit on category D machines	
Club Gaming permit					B3A, B4, C and D		3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.	
Club machine permit					B3A, B4, C and D		3 total	
Licensed premises: automatic entitlement					C and D		2 total	

Licensed premises gaming machine permit					C and D		Unlimited
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\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

## TEMPORARY USE NOTICES (TUNs)

A TUN may only be issued by a person or company holding an Operating Licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12 month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

The Licensing Authority will generally aim to permit gambling activities under a TUN but will 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

### Issue

Not less than 3 months and 1 day prior to the day on the which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority
- the Chief Officer of Police
- HM Commissioners for Revenue and Customs
- and, if applicable,
- any other Licensing Authority in whose area the premises are situated

The notice must include details of: -

- the date the notice is given
- the gambling activity to be carried on
- the premises where it will take place
- the dates and times it will take place
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by Regulations

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

### Objections

Having regard to the Licensing Objectives, those Authorities upon whom the TUN is served may make objections to the gambling activity taking place within 14 days of the date of the notice. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector[s] object to the new notice.

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

### **OCCASIONAL USE NOTICES (OUNs)**

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premises on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

#### **Issue**

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

#### **Objections**

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

## PREMISES LICENCES

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE

1. Attach required documentation
2. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

## GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see '*Other premises*' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

## GAMING MACHINES

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

**Fig. 3**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D Non money prize (other than a crane machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.

**Fig. 4**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miners' Welfare Institutes with permits				B3A		Maximum of 3 category B3A or B4 to D machines		
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with gaming machine permit							Unlimited category C or D machines - number specified on permit	
Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

### ALCOHOL-LICENSED PREMISES

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

#### Automatic Entitlement

The Gambling Act 2005 gives an automatic entitlement for the holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements
- the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

### **New permits**

Where the holder of a Premises Licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons
- any documentary evidence [ e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intends to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the Premises Licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

### **MEMBERS' CLUBS**

The Gambling Act 2005 permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3A, B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3A, B4, C or D under a **Club Machine Permit**.

### **New Permits**

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.



An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or 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 10 years
- an objection has been made by the Police or Gambling Commission

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing Authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a Members' Club or no longer qualifies under the 'fast track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

### **OTHER PREMISES**

Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a gaming machine permit under the Act and will be unable to operate gaming machines of any kind.

### **UNLICENSED FAMILY ENTERTAINMENT CENTRES**

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Gambling Policy Licensing Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A permit will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

### **New permits**

Applications for new permits may be made to the Licensing Authority.

### **PRIZE GAMING**

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A Prize Gaming Permit will **not** authorise the use of gaming machines.

The Authority may apply its Gambling Licensing Policy Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

### **New permits**

Applications for new permits may be made to the Licensing Authority.

### **Prize gaming without a permit**

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling Fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

### **TRAVELLING FAIRS**

Travelling Fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

DRAFT

## ALCOHOL LICENSED PREMISES

**PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D**

### UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

### MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

1. Permit has effect from date of grant unless surrendered or cancelled
1. Annual charge to be paid to Licensing Authority

1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

### **BUT**

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

## MEMBERS' CLUBS

**MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES**

Applications for new permits and renewals must be made to Licensing Authority

**ATTACH TO APPLICATION**

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

## UNLICENSED FAMILY ENTERTAINMENT CENTRE

**PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Pay prescribed fee
5. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

## PRIZE GAMING PERMIT

**PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

## LOTTERIES

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Gambling Act 2005 defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions

The Licensing Authority may refuse an application if: -

- it considers the applicant is not a non-commercial society
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

## NEW REGISTRATIONS

An application for registration with the prescribed fee must be made to the Licensing Authority under the Gambling Act 2005. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.



## Lottery Requirements

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25,000.
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25,000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

## Returns

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment, and include the following details: -
  - the dates when tickets were available for sale;
  - the dates of any draw and value of prizes, including any rollover;
  - the proceeds raised;
  - the amounts deducted for prizes and expenses incurred in organising the lottery;
  - the amount applied or to be applied to the purposes of the promoting society; and
  - whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

## EXTERNAL LOTTERY MANAGERS

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## SMALL SOCIETY LOTTERIES

**PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN**

1. Attach information required: -
  - (a) Purpose for which society established
  - (b) Confirm bona fides of society as non-commercial
  - (c) Declare convictions, if any
- 2 Pay prescribed fee
- 3 Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
7. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence , or
3. Information provided in application is false/misleading

Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years

Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

## APPENDIX G

### FEES

The Gambling Act allows licensing authorities to set their own fees for premises licences, subject to maximum levels that have been specified by central government.

- The relevant fee must be sent with an application, in order for the application to be valid.
- The application fee is not refundable if the application is withdrawn or if it is unsuccessful
- A first annual fee is payable within 30 days of the date of licence issue, details regarding this payment will be provided at the time of licence issue
- An annual fee is payable before the anniversary of the licence being granted

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.

Details of current fees can be obtained from the Council's website [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

or by contacting       The Licensing Department,  
Chelmsford City Council,  
The Civic Centre,  
Duke Street,  
Chelmsford,  
CM1 1JE

Tel: 01245 – 606727

E-mail: [licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)



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## Chelmsford City Council Licensing Committee

DATE: 3 October 2024

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### LICENSING ACT 2003 - DELEGATION OF POWERS FOR SECTION 20 FILM CLASSIFICATIONS

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Report by: Director of Public Places

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Officer Contact: Daniel Winter, Lead Licensing Officer

[Daniel.winter@chelmsford.gov.uk](mailto:Daniel.winter@chelmsford.gov.uk)

01245 606317

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#### Purpose

To consider the delegation of power to the Public Health and Protection Services Manager for determining film classifications under Section 20 of the Licensing Act 2003, with specific reference to the 2025 International Film Festival and other future events. This report outlines three potential options for delegation and includes legal advice on the matter.

#### Options

Members are advised that they have the following options when considering how to delegate or not delegate powers for Section 20 Film Classifications.

1. To delegate the power to classify films specifically for the 2025 International Film Festival to the Public Health and Protection Services Manager. All other events would continue to be referred to the Licensing Committee.
2. To delegate the power to classify films for the 2025 International Film Festival to the Public Health and Protection Services Manager as well as future events involving multiple films.

3. To delegate the power to classify all films under Section 20 to the Public Health and Protection Services Manager. This would eliminate the need to refer film classification applications to the Licensing Committee unless a film is deemed controversial or borderline.

4. To not delegate the power to classify films under Section 20 to officers. This would mean that any film classifications would have to be referred to the Licensing Committee (as is currently the case).

Considering the options outlined above, officers would recommend that the Committee adopt option 3 – a general delegation for all Section 20 film classifications. This option would streamline the process, allowing officers to handle routine classifications efficiently and reducing the administrative burden on the Committee, while still enabling the Committee to oversee controversial or borderline film classifications. It is worth noting that there are other licensing authorities that have in place similar officer delegations for film classifications.

## 1. Background

1.1 Under Section 6 of the Licensing Act 2003, each licensing authority is required to establish a Licensing Committee consisting of at least 10 and no more than 15 members. This Committee holds a distinct legal status, separate from ordinary committees established under the Local Government Act 1972, such as Regulatory Committees, granting it a unique level of autonomy.

1.2 Section 7(1) of the Licensing Act 2003 stipulates that, with very limited exceptions (outlined in Section 7(2)), all matters related to the discharge of a licensing authority's functions must be referred to and determined by its Licensing Committee, a subcommittee thereof, or, under delegated powers, by an officer, subject to certain restrictions (see 1.4 below).

1.3 Under Section 20 of the Licensing Act 2003, local authorities are responsible for determining the classification of films that do not carry a British Board of Film Classification (BBFC) certificate. Traditionally, these decisions have been made by the Licensing Committee. However, in light of the increased volume of films to be classified for events such as the 2025 International Film Festival, there is an opportunity to streamline the process by delegating filmclassification responsibilities to officers.

1.4 Under section 10(1)(b) of the 2003 Act a licensing committee may, subject to certain restrictions as set out in subsection (4), arrange for the discharge of functions exercisable by it to an officer of the licensing authority (i.e. the council). The classification of films pursuant to section 20 is a function that can lawfully be delegated to officers.

## 2. Information

- 2.1 Chelmsford, Colchester and Tendring Councils were recently approached by the Cultural Development Officer for Culture, Heritage, and Green Spaces at Essex County Council (ECC) regarding a joint-licensing approach for a pan-Essex film festival. The festival, supported by ECC, is scheduled to take place from Thursday 27th to Sunday 30th March 2025 across Chelmsford, Colchester, and Tendring.
- 2.2 The Culture, Heritage, and Green Spaces team's plan to screen films across multiple districts in the two weeks leading up to the 2025 International Film Festival highlights the importance of adhering to classification regulations. All films, whether shown in Chelmsford, Colchester, or Tendring, must be classified prior to public viewing to maintain consistent standards across the districts. Therefore, delegating authority to the Public Health and Protection Services Manager for film classification is beneficial to ensure efficient and timely processing ahead of these screenings.
- 2.3 In light of this request, discussions were held with Tendring District Council, where it was agreed in principle that Tendring could take the lead on rating the films, leveraging their experience in rating films.
- 2.4 Tendring District Council has provided their film classification policy as a reference. **See Appendix A.** In Tendring, officers play a central role in handling the administrative aspects of film classification, but the final decision remains with the licensing authority. At Colchester City Council, however, officers are delegated full powers to determine classifications.
- 2.5 Colchester Council, which is in a similar position to Chelmsford, responded to the proposal. The key difference between the two councils is that Colchester has already delegated authority for film classifications to its officers, whereas Chelmsford's classifications are still determined by the Licensing Committee. **See Appendix B.**

## 3. Conclusion

- 3.1 Delegating film classification powers to the Public Health and Protection Services Manager under Section 20 would create a more efficient system, reducing the administrative burden on the Licensing Committee. Given the anticipated workload for upcoming film festivals and other events, Option 3 provides the most balanced and efficient solution while maintaining appropriate safeguards for controversial or borderline films. Such films would still be referred to Committee for determination.

### Appendices:

Appendix A – Tendring District Council Film classification policy

Appendix B - Colchester Councils proposal

Background reading:

Licensing Act 2003 - Film Classification.

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Corporate Implications

Legal/Constitutional: The Statement of Principles is necessary in order to provide the Authority with the powers provided under this Act.

Financial: Cost of Newspaper advert

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

## Tendring District Council



# FILM CLASSIFICATION POLICY





## **POLICY FOR DETERMINING FILM CLASSIFICATION**

### **1. INTRODUCTION**

- 1.1 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence, currently only the British Board of Film Classification (BBFC), or by the Licensing Authority itself.
- 1.2 The public exhibition of films on licensed premises must therefore either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.3 The purpose of this Policy is to set out the formal procedure for Tendring District Council (the Licensing Authority) to determine within its area, the classification of previously unclassified films, to amend classifications and deal with appeals by distributors against the BBFC's decisions or requests to reclassify films.
- 1.4 Section 26 of the Counter Terrorism and Security Act 2015 places a duty on Tendring District Council to have 'due regard to the need to prevent people from being drawn into terrorism'.
- 1.5 Where a premises seeks or intends to exhibit film(s), the venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003, apart from the limited exemptions detailed at Section 8 of this policy. In the case of a Temporary Event Notice, the Licensing Act 2003 mandatory condition relating to films does not apply, but applicants may still request the assistance of the Council in determining the classification of a film(s)
- 1.6 The Act defines children as 'any person under the age of 18' and the exhibition of film as 'the exhibition of moving pictures'.

### **2. BACKGROUND**

- 2.1 The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the Tendring District Council district. Typically this will be for:
  - A film festival covering a specific period of time
  - A one off screening of a film(s)
  - A trailer for a film
- 2.2 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when:
  - A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening with recommendations on age restrictions) or;
  - An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

### **3. PROCEDURE FOR SUBMISSION OF FILM(S)**

- 3.1 Applications for authorisation of film(s) shall be referred to the Licensing Manager and will be determined by the Miscellaneous Licensing Sub Committee.
- 3.2 Applications should be submitted to the Licensing Authority, for the attention of the Licensing Manager, at least 2 months before the proposed screening.

- 3.3 An application for authorisation needs to be in a form that can be viewed, read and understood, should state detailed reasons for the request and include the following information:
- The date(s), time(s) and proposed venue for the exhibition of the film(s)
  - The name of the film maker;
  - A brief synopsis of the film(s);
  - Any recommendation that may have been made by the film maker regarding an age limit for the intended audience for exhibition of the film;
  - Any existing classification issues by an existing classification body, whether within or outside the UK.
  - If the film has previously been classified by another Licensing Authority, details of the classification awarded by that authority, together with the date and venue at which it was shown.
  - Information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film;
  - The language spoken in the film and whether there are subtitles in English
  - Details of how any age restrictions will be enforced;
- 3.4 All requests shall be accompanied by the film(s), where possible in USB format to avoid delays, the cost to be borne by the applicant. Other formats are available and can be discussed and agreed with the Licensing Authority.
- 3.5 If the film contains dialogue that is in a language other than English, an interpreter, approved by the Licensing Authority may be required for the classification, the cost to be borne by the applicant.
- 3.6 Applicants must ensure all material subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988, the Counter Terrorism and Security Act 2015 or any other relevant legislation and has not been created through the commission of a criminal offence.

#### **4. PROCESS**

- 4.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 4.2 A Licensing Officer will view the film and prepare a brief report outlining any areas of concern or note in accordance with the BBFC guidelines, and the Licensing Committee will view the film and assess it against the BBFC guidelines and Government Guidance.
- 4.3 The Chair will have the final decision on the classification to be applied to the film. In the absence of the Chair, the decision will be made by the Vice Chair.
- 4.4 A notice of determination will be issued.
- 4.5 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 4.6 Where the Licensing Authority has determined to refuse the authorisation of a film, reasons for the decision shall be given.
- 4.7 A fee will be payable on application.

#### **5. CLASSIFICATION**

- 5.1 The BBFC classifies films in accordance with published guidelines that are based on extensive research into public opinion and professional advice, generally reflecting public sensibilities and expectations as they change over time.
- 5.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted and will use this system together with any future amendments that may apply, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). The Licensing Authority, however, is not obliged to follow these guidelines.
- 5.3 Where a licensed premises within the Tendring District Council district seeks to exhibit a film(s) that has not been classified by the BBFC, then it will be the responsibility of the Licensing Authority to authorise that film(s).
- 5.4 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However, material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959, or is in breach of the Copyright Design and Patents Act 1988, or the Counter Terrorism and Security Act 2015; or has been created through the commission of a criminal offence.
- 5.5 The Licensing Authority shall concern itself primarily with the protection of children from harm and will not use its powers to censor films unless there is a clear cause to believe that this is required to promote the licensing objectives.

## **6. PROTECTION OF CHILDREN FROM HARM**

- 6.1 The protection of children from harm is a licensing objective under the Act. Section 182 Government Guidance to Licensing Authorities under the Act states: It includes the protection of children from moral, psychological, and physical harm. This includes not only protection children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives, for example, in the context of exposure to certain films or adult entertainment. Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 6.2 In line with the Government Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.
- 6.3 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any person under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.
- 6.4 In these circumstances, the licence holder will be required to display in a conspicuous position, a notice clearly stating the relevant age restrictions and requirements or non-admittance. E.g.: Persons under the age of (insert appropriate age) cannot be admitted to any part of the programme Persons under the age of (insert appropriate age) can only be admitted to the programme if accompanied by an adult.

## **7. AUTHORISATION**

- 7.1 Any authorisation(s) for the exhibition of film issued by the Licensing Authority will only apply when the film is exhibited within the area covered by Tendring District Council and does not affect the authorisations of any other Authority.

- 7.2 Once authorised by the Licensing Authority a film(s) will be authorised for a particular showing or festival only and subject to the recommendations imposed by the Licensing Authority.
- 7.3 The issue of any authorisation by the Licensing Authority is strictly limited to the determination of film classification and it will be assumed that all relevant third-party consents and licences in respect of any and all copyright confidential information and all other intellectual property rights have been obtained.
- 7.4 Where the Licensing Authority has authorised unclassified material to be shown, it will require an undertaking from the applicant of that they are satisfied, after making proper enquiry, that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988, Counter Terrorism and Security Act 2015 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 7.5 The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.
- 7.6 Each application will be considered on its individual merits. There is no right of appeal to the classification imposed by the Licensing Authority, save by way of Judicial Review of the decision.
- 7.7 All authorisations issued under a Premises Licence or Club Premises Certificate will be subject to the mandatory conditions contained in the Act relating to the exhibition of film.

## **8. EXEMPTIONS**

- 8.1 The provision of the exhibition of film is exempt from regulation by The Act if either:
- It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery, or:
  - Its sole or main purpose is to:
    - demonstrate any product,
    - advertise any goods or services, or
    - provide information, education or instruction.
  - the film is shown on a 'not-for-profit' basis in a community premises between the hours of 08.00 and 23.00 provided that the audience does not exceed 500.

## **9. CONTACT DETAILS**

All applications should be sent for the attention of:  
The Licensing Manager  
Licensing Section  
Tendring District Council  
Town Hall  
Clacton on Sea  
Essex CO15 1SE

**Subject:** Essex Film Festival

Hi Gary,

I am writing to confirm Colchester's position.

To fulfil the requirement that films must be rated by the local authority, our legal department require Colchester officers to view all the films, but we will do so having regard to the rating that Tendring has given them. It is anticipated that the rating of both authorities will align, and Colchester will adopt/give the films the same rating as given by Tendring. The process will be charged the officer hourly rate which is £77.16 per hour.

We will not require an interpreter for the foreign language films and will accept that Tendring have fulfilled this requirement.

As you are already aware, the rating of films is an officer function in Colchester and therefore we should be able to do this work without too much delay once we receive the films.

If you need anything further, please don't hesitate to come back to me.

Sarah White

**Licensing Team Leader**  
Colchester City Council