
**BRAINTREE DISTRICT COUNCIL
GAMBLING LICENSING POLICY
STATEMENT**

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PART A

1 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles the Braintree District Council, as the Licensing Authority under 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 as well as:-

- 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.

2. THE LICENSING OBJECTIVES

2.1 In exercising most of 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. DESCRIPTION OF THE DISTRICT

3.1 The Braintree District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. The Council has a population of Braintree District 135,000 and covers an area of 612 square kilometres. The main centres of population are in the towns of Witham, Halstead and Braintree.

4. RESPONSIBILITIES UNDER THE ACT

- 4.1 The Act has introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Braintree District Council is the Licensing Authority for the Braintree District.
- 4.3 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.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It 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. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- 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.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5. STATEMENT OF LICENSING POLICY

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising their functions under the Act.

5.2 In this document this is referred to as 'the Policy'. This Policy must be 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.

5.3 This Policy takes effect on 31 January 2007.

6 CONSULTATION

6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (see Appendix 2), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.

6.2 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.

6.3 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;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 The Licensing Authority's consultation took place between 14th July 2006 and 9th October 2006

6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to the Licensing Department or via the Licensing Authority's website at www.braintree.gov.uk.

7 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on 13th November 2006 date and was published via its website on 17th January 2007 Copies are available on request.

7.2 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 and according to the requirements of the Act.

8 DECLARATION

8.1 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.

8.2 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers 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 the guidance or regulations should under the Act.

9 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 2. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.

9.2 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.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Safeguarding Children's Board, (Child Protection), Essex County Council Chelmsford for this purpose.

10 INTERESTED PARTIES

10.1 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 premises 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).'

- 10.2 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.
- 10.3 District Councillors who are members of the Licensing Committee will not qualify to act in this way.
- 10.4 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.
- 10.5 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.
- 10.6 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.

11 EXCHANGE OF INFORMATION

- 11.1 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 1998 will not be contravened;
 - the guidance issued by the Gambling Commission;
 - Data Protection Act 1998;
 - Human Rights Act 1998;
 - Freedom of Information 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.

11.2 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.

12.2 PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13 COMPLIANCE AND ENFORCEMENT

13.1 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 endeavour 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.

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

- 13.3 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. 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.
- 13.4 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.
- 13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, when finalised will be available on request to the Licensing Authority. Details of the risk based approach to inspection will also be available upon request, once finalised. Details of this information can also be found on the Council's website: www.braintree.gov.uk.

14 DELEGATION OF POWERS

- 14.1 The Council has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix 4.

PART B PREMISES LICENCES

15. GENERAL PRINCIPLES

- 15.1 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.
- 15.2 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.
- 15.3 **Definition of Premises:**
- Premises 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. It will always be a question of fact in each circumstances. 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).

15.4 **Demand:**

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

15.5 **Location:**

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

15.6 **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.

15.7 **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 being 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.

The council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and venerable adult centres, or residential areas where there may be a high concentrations of families with children.

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 a mental impairment, alcohol or drugs.

15.8 **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.

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
- 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 GameCare.

15.9 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.

15.10 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.

15.11 **Door Supervisors:**

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

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

15.12 **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.

15.13 **Betting Machines: (See Appendix 1 for definition)**

In relation to Casinos, Betting Premises and Tracks, the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability to staff to monitor the use of such machines from the counter.

15.14 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.

15.15 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 codes of practice or guidance issued under the Act.

16 PROVISIONAL STATEMENTS

16.1 It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provisional Statement'. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as planning consent.

17 REPRESENTATIONS AND REVIEWS

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

17.2 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 Council's (local authorities will need to insert the appropriate person) as being the proper person to act on its behalf.

17.3 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.
- Will certainly not cause the Authority to wish to alter/revoke/suspend 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.

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

18 ADULT GAMING CENTRES

18.1 An Adult Gaming Centre is defined in Appendix 1 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 1 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 The Licensing Authority has made no decision about casinos therefore each application will be considered on its own merits.

20.2 Casinos and Competitive Bidding:

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State.

20.3 Betting Machines:

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*). 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; and
- 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 or Guidance issued under the Act.

20.5 Credit:

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 1. 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:

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 1.

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

23 TRACKS

23.1 A Track is defined in Appendix 1. Entry to these premises is generally age restricted. 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.

<p style="text-align: center;">PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS</p>
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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 either direct from our website or in hard copy from our licensing department.

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:-

- A basic Criminal Record Bureau checks for staff;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.

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 provision of information, leaflets/help line numbers for organisations such as GameCare.

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:-

- A basic Criminal Record Bureau checks for staff;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.

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.

30 TEMPORARY USE NOTICES (TUN)

- 30.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 4.
- 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.
- 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 premises 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

- 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 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. 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 avail him/herself of the Notice.
- 31.5 The person designated to receive the OUN's and assess validity is specified in the scheme of delegation as shown at Appendix 4.

32 SMALL SOCIETY LOTTERIES

- 32.1 The definition of a Small Society Lottery is contained in annex Appendix 1 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.

33 GAMING MACHINES

The table shows the various Categories of Gaming Machines and the maximum stakes and prizes is shown below:

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

A separate table (contained in APPENDIX 5) shows which types of gambling premises may have which Category of gaming machine.

34 DEFINITIONS

In this Policy the definitions contained in APPENDIX 1 are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

35 HOW TO APPLY FOR A PREMISES LICENCE/TEMPORARY USE NOTICE

Information and guidance on how to apply for a Premises Licence and other Permits or permissions under the Act will be available either direct from our website or in hard copy from our licensing department.

36 HOW TO MAKE A REPRESENTATION

Information and guidance on how to make representations in relation to an application or to apply for a review of a Licence will be available either direct from our website or in hard copy from our licensing department

37 FEES

The Fees that are applicable to any Licences, Permits or any other permissions will be set by the Secretary of State by Regulations and will appear in Appendix 6. The Licensing Authority will determine their fees when Regulations are published.

38 USEFUL CONTACTS

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 Some of these organisations provide codes of practice on their particular interest area.

Details of contact details of the Licensing Authority and the Responsible Authorities are contained in APPENDIX 2

DEFINITIONS

Appendix 1

TERM OR PHRASE	DEFINITION
The Act	The Gambling Act 2005.
Licensing Authority	Braintree District Council acting under Section 2 of the Act.
Licensing Objectives	As defined in Paragraph 2 of this Policy.
The Council	Braintree District Council
Braintree District Council	The area of Essex administered by the Braintree District Council (see map – APPENDIX 7)
The Commission	The Gambling Commission.
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Premises	Any place, including a vehicle, vessel or moveable structure.
Responsible Authorities	<ul style="list-style-type: none"> - Braintree District Council acting as the Licensing Authority - Gambling Commission - Essex Police - Essex County Fire and Rescue Service - Local Planning Authority, i.e. Braintree District Council Planning Department - The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health - Essex Local Safeguarding Children’s Board - HM Revenue and Customs - Other persons prescribed by the Secretary of State
Interested Party	<p>A person who:-</p> <ul style="list-style-type: none"> - Lives sufficiently close to the premises to be likely to be affected by authorised activities; - Has business interests that might be affected by authorised activities; or - Represents persons in either of these two groups. <p>See Paragraph 10 for the criteria the Licensing Authority will apply in determining who lives or has business interests sufficiently close to the premises that they are likely to be affected by any authorised activities.</p>
Regulations	Regulations made by the Secretary of State under the

	Gambling Act 2005.
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Default Conditions	As Mandatory Conditions except that they can be excluded by the Licensing Authority.
Premises Licences	Licences issued by the Licensing Authority for:- <ul style="list-style-type: none"> - Casino premises - Bingo premises - Betting premises, including tracks - Adult Gaming Centres - Family Entertainment Centres
Operating Licences	Issued by the Gambling Commission:- <ul style="list-style-type: none"> - Casino Operating Licence - Bingo Operating Licence - General Betting Operating Licence - Pool Betting Operating Licence - Betting Intermediary Operating Licence - Gaming Machine General Operating Licence (for an Adult - Gaming Centre Operator or a Family Entertainment Centre) - Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine) - Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software) - Lottery Operating Licence
Personal Licences	Licences issued by the Gambling Commission alongside an Operating Licence to persons holding a specified management office and other key staff carrying out specified operational functions.
Permits	Permits issued by the Licensing Authority for:- <ul style="list-style-type: none"> - Unlicensed Family Entertainment Centres - Prize Gaming - Gaming Machines (on alcohol related premises) - Club Gaming and Club Gaming Machines
Temporary Use Notices	They allow the use of premises by a gambling operator for gambling where there is no Premises Licence in place.
Occasional Use Notices	For use on eight days or less in a calendar year for permitting gambling on a track.
Child	An individual who is less than 16 years old.
Young Person	An individual who is not a child but who is less than 18 years old.
Adult	An individual who is not a child or a young person.
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble.
Adult Gaming Centre	Premises limited to entry by adults making Category B, C and D gaming machines available to their customers.
Bingo	No statutory definition provided but the term has its ordinary and natural meaning. A game where a card is covered by numbers called until the card is full with cash or prizes being won.
Casino	Premises with an arrangement whereby people are given an opportunity to participate in one or more casino games, i.e. games of chance which are not equal chance gaming.
Club Gaming	Equal chance gaming and games of chance in members'

	clubs and miners' welfare institutes (but not commercial clubs).
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Prize Gaming	Gaming where 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. Prizes are determined by the operator before play commences.
Track	A site (including horse racecourses and dog tracks) where races or other sporting events take place.
Traveling Fair	A fair 'wholly or principally' providing amusements on a site not used for more than 27 days per calendar year.
Lotteries	Either a Licensed Lottery or an Exempt Lottery.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Exempt Lottery	A Small Society Lottery, an Incidental Non-Commercial Lottery, a Private Lottery (Private Society, Work or Residents' Lottery), or a Customer Lottery.
Small Society Lottery	A lottery with total value of tickets for one lottery less than £20,000 (or separate lotteries less than £250,000 in a calendar year) requiring registration with the Licensing Authority.

Contact Details for the Licensing Authority and Responsible Authorities

All correspondence for the **Licensing Authority** should be addressed to:

- Environmental Services
Licensing Officer
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB
Telephone: 01376 552525 Fax 001376 557767
E-mail: racsmb@braintree.gov.uk
Website: www.braintree.gov.uk

The **Responsible Authorities** are:

- **Essex police**

Licensing Administration Officer
Braintree Police Station
Blyth's Meadow
Braintree
Essex
CM7 3DJ
Telephone:01376 551312 Fax 01376 551412

- **The Gambling Commission**

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500 Fax 0121 2372236
E-mail: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

- **The Fire and Rescue Authority**

Essex County Fire and Rescue
Service
Braintree and Uttlesford
Fire Station
Railway Street
Braintree
Essex
Telephone 01376 345537

- **The Local Planning Authority**

Development Services Manager
Development Services

Braintree District Council
Causeway House
Braintree
Essex CM7 9HB
Telephone: 01376 552525 Fax: 01376 557781

➤ **Environmental Health**

Environmental Protection Team
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB
Telephone: 01376 552525 Fax 01376 557767

➤ **Head of Child Protection**

Gambling Applications
Essex County Council
PO Box 297
Chelmsford
Essex
CM1 1Y5

Telephone:

➤ **Her Majesty's Commissioners of Customs and Excise**

Greenock Accounting Centre
Custom House
Custom House Quay
Greenock
PA15 1EQ
Telephone: 01475 726331

Trade Associations:

Association of British Bookmakers	www.abb.uk.com
British Amusement Catering Trade Association	www.bacta.org.uk
British Casino Association	www.britishcasinoassociation.org.uk
Remote Gambling Association	www.rga.eu.com
Bingo Association	www.bingo-association.co.uk
British Horseracing Board	www.britishhorseracing.com
British Greyhound Racing Board	www.thedogs.co.uk
Casino Operators Association	www.casino-coa.co.uk
Business in Sport & Leisure	www.bisl.org

Gambling Support Organisations:

Gamcare	www.gamecare.org.uk
Responsibility in Gambling Trust	www.rigt.org.uk
Gamblers Anonymous	www.gamblersanonymous.org.uk

Other Links

Department for Culture, Media & Sport	www.culture.gov.uk
Casino Advisory Panel	www.culture.gov.uk/cap

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS
GAMBLING ACT 2003

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS	HEAD OF SERVICE
Three year licensing policy	<u>X</u>			
Fee Setting – when appropriate	<u>X</u>			
Authority to make minor amendments to the Gambling Act policy statement in conjunction with the Chairman of the Licensing Committee				X
Authority to process applications for premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Authority to process applications to vary a licence		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Authority to process applications for a transfer of a licence		Where representations have been received from the commission	Where no representations have been received from the commission	
Authority to process applications for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Authority to make representations to all applications on behalf of the Licensing Authority				<u>X</u>
Authority to attach conditions, where relevant, to			<u>X</u>	

premises licences				
Authority to refuse applications for premises licences			<u>X</u>	
Authority to process applications for Temporary Use Notices		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to process applications for club gaming and club machine permits		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to issue permits for more than 2 machines in licensed premises			<u>X</u>	
Authority to process application for other permits			<u>X</u>	
Authority to cancel licensed premises gaming machine permits			<u>X</u>	
Review a premises Licence		<u>X</u>		
Determination as to whether a person is an Interested Party			<u>X</u>	
Determination as to whether representations are relevant			<u>X</u>	
Determination as to whether a representation is frivolous, vexatious or repetitive			<u>X</u>	

Appendix 5

Table showing the different types of gambling premises and the Category of gaming machines permitted.

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional Casino (machine/table ratio of 25:1 up to maximum)	Maximum of 1,250 machines. Any combination of machines in Categories A to D, within the total limit of 1,250 (subject to table ratio)						
Large Casino (machine/table ratio of 5:1 up to maximum)	Maximum of 150 machines. Any combination of machines in Categories B to D, within the total limit of 150 (subject to 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, within the total limit of 80 (subject to table ratio)						
Pre-2005 Act casinos (no machine/table ratio)	Maximum of 20 machines Categories B to D or C to D machines instead.						
Betting premises and tracks occupied by Pool Betting	Maximum of 4 machines Categories B2 to D						
Bingo premises	Maximum of 4 machines in Category B3 or B4 No limit C or D Category machines						
Adult Gaming Centre	Maximum of 4 machines in Category B3 or B4 No limit C or D Category machines						
Family Entertainment Centre (with Premises Licence)	No limit on Category C or D machines						
Family Entertainment Centres (with Permit)	No limit on Category D machines						

Machine Category							
Premises Type	A	B1	B2	B3	B4	C	D
Clubs or miners' welfare institutes with Permits						Maximum of 3 machines in Categories B4 to D	
Qualifying alcohol licensed premises						1 or 2 machines of Category C or D automatic on notification	
Qualifying alcohol licensed premises with Gaming Machine Permit						Number as specified on Permit	
Travelling Fair							No limit on Category D machines

MAP OF BRAINTREE DISTRICT

