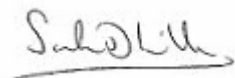


Members of the **Licensing Committee** of **Gravesham Borough Council** are summoned to attend a meeting to be held at the Civic Centre, Windmill Street, Gravesend, Kent on **Monday, 21 September 2009 at 7.00 pm** when the business specified in the following agenda is proposed to be transacted.

Note: At the conclusion of the meeting training will be held for Members specifically aimed at review hearings.



S Kilie
Assistant Director (Communities)

Agenda

Part A

Items likely to be considered in Public

1. Apologies for absence
2. To sign the minutes of the previous meeting - minutes herewith. (Pages 1 - 2)
3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.
4. To consider whether any items in Part A of the agenda should be considered in private or the items in Part B in public.
5. Review of Statement of Licensing Policy under the Gambling Act 2005 - report herewith. (Pages 3 - 42)
6. Minutes of the Licensing Panel - copies herewith for information. (Pages 43 - 70)
7. Any Other Business which by reason of special circumstances the Chairman is of the opinion should be considered as a matter of urgency.
8. Exclusion of the Public

To move, if required, that pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded from any items included in Part B of the agenda because it is likely in view of the nature of business to be transacted that if members of the public are present during those items, there would be disclosure to them of exempt information as defined in Part 1 of Schedule 12A of the Act.

Civic Centre, Windmill Street, Gravesend Kent DA12 1AU

Part B

Items likely to be considered in private

Members

Clr William Dyke (Chairman)

Clr Greta Goatley (Vice-Chairman)

Councillors: Ronald Bowman
 Colin Caller
 Harold Craske
 John Cubitt
 Glen Handley
 Leslie Hills
 William Lambert
 John Loughlin
 Alex Moore
 Derek Sales
 Richard Smith
 Bryan Sweetland
 Adrian Warburton

Substitutes: John Caller
 Susan Howes
 Bronwen McGarrity
 Patricia Oakeshott
 Michael Snelling
 Andrea Webb

Licensing Committee**Thursday, 29 November 2007****6.30pm****Present:**

Cllr William Dyke (Chairman)
Cllr Raymonde Collins (Vice-Chairman)

Councillors: Peter Barbuti
John Cubitt
Harold Craske
Greta Goatley
Glen Handley
Leslie Hills
John Loughlin
Alex Moore
Derek Sales
Richard Smith
Bryan Sweetland
Andrea Webb

Shirley Whatmough
Sarah Kilkie
Christina Hills
Christopher Wakeford

Head of Democratic Services
Head of Regulatory Services
Senior Licensing Officer
Democratic Services Assistant

14. Apologies

An apology for absence was received from Cllr Ronald Bowman. Cllr Andrea Webb attended as his substitute.

15. Minutes

The minutes of the meeting of the Licensing Committee held on 12 September 2007 were signed by the Chairman.

16. Declarations of Interest

No declarations were made.

17. Review of Statement of Licensing Policy under the Licensing Act 2003

Members were apprised on the responses received during the public consultation on the review of the Gravesham Borough Council Statement of Licensing Policy.

The Council is required to prepare and publish its policy statement every three years. It was necessary to review the statement of licensing policy and publish a revised version no later than 7 January 2008.

Resolved that the revised Statement of Licensing Policy be recommended for adoption by the Council at its meeting on 11 December 2007.

18. Delegated Powers under the Gambling Act 2005

Further to minute 24 of the Licensing Committee held on 31 January 2007, the Committee was requested to approve further delegation of powers and duties under the Gambling Act 2005 to the Head of Regulatory Services.

Resolved that the Head of Regulatory Services be authorised to carry out all duties of the licensing authority under the Gambling Act 2005 that are not reserved to the Licensing Committee or to a Licensing Panel.

19. Minutes of the Licensing Panel

The Committee received the minutes of the Licensing Panels held on 1 and 13 November 2007.

Resolved that the minutes of the Licensing Panels held on 1 and 13 November 2007 be noted.

Close of meeting

The meeting ended at 7.08 pm.

Gravesham Borough Council

Report to: Licensing Committee
Date: 21 September 2009
Reporting officer: Assistant Director (Communities)
Subject: Review of Statement of Licensing Policy under the Gambling Act 2005

Purpose and summary of report:

To apprise members of the proposed methodology to be followed in reviewing Gravesham's Statement of Licensing Policy under the Gambling Act 2005

Recommendations:

Members to note and endorse the contents of the report and instruct officers to proceed with the review process

1. Background

- 1.1 Members will be aware that a Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 12 December 2006.
- 1.2 Section 349 of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act. The Gambling Policy is required to comply with extensive national guidance, and any departures must be supported by evidence justifying a different policy approach.
- 1.3 Before determining its policy for any three year period the Licensing Authority must consult the persons listed in section 349(3) of the 2005 Act. These are:
 - The Chief Officer of Police for the area;
 - The Fire and Rescue Authority for the area;
 - Persons/bodies representative of local holders of gambling licences;
 - Persons/bodies representative of local holders of premises licences
 - Persons/bodies representative of businesses and residents in its area
- 1.4 The existing policy was developed in close conjunction with all other licensing authorities and responsible authorities in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group. This also had due regard to a

'skeleton' policy issued by LACORS (Local Authorities Co-ordinators of Regulatory Services)

- 1.5 The aim of the county wide approach was two fold. Firstly, to promote consistency to the benefit of licensees, potential licensees, businesses, residents and to regulatory services having a Kent wide remit. Secondly to minimise risk of judicial review of individual policies.
- 1.6 The existing Gambling Policy commenced on 3 January 2007 and will expire on 2 January 2009. The proposed draft policy shown as Appendix A will be required to be adopted by full Council on 8 December 2009 and published for the period 3 January 2010 to 2 January 2013.

2. Policy review

- 2.1 In drafting the revised statement of licensing policy for Gravesham due regard has been taken to the revised 'Guidance issued under section 25 of the Gambling Act 2005' issued by the Gambling Commission in May 2009.
- 2.2 The revised guidance has been closely examined and whilst most changes appear to be of a minor or administrative nature there are 3 more significant changes which are:
 - More detailed advice given as to the requirements for the splitting of premises (see pages 14 and 15 of the draft policy)
 - The introduction of Category B3A machines and increase in the number machines at a bingo premises shown on the Summary of Gaming Machines in appendix 5 of the Gambling policy
 - The increase of maximum stakes and prizes as detailed in the summary of maximum stakes and prizes as shown in appendix 7 of the Gambling Policy

3. No-casinos resolution

- 3.1 Section 166 of the Gambling Act 2005 allows a licensing authority to resolve not to issue casino premises licences within its boundaries. This decision is a function of full Council.
- 3.2 At its meeting of 12 December 2006 full Council decided to approve a 'no-casinos' resolution.
- 3.3 The adoption of a no-casinos resolution requires ratification every three years so that it can be included in the current policy.
- 3.4 Specific mention regarding whether or not to adopt a 'no casinos' resolution has been made within the draft policy and the consultation advertisement will draw attention to this particular point.

4. Consultation

- 4.1 The Act and the Guidance require a consultation process prior to determining the statement of licensing policy

- 4.2 A consultation period of six weeks is proposed to run from 22 September until 3 November.
- 4.3 All incoming responses will be entered on to a grid for consideration as recommended by LACORS (Local Authorities Co-ordinators of Regulatory Services)
- 4.4 The Senior Licensing Officer will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement. This will be done in consultation with other GBC officers and/or The Kent and Medway Regulatory Licensing Steering Group as necessary.
- 4.5 The grid and recommendations will be put before Licensing Committee on 18 November for consideration

5. Equal Opportunities

- 5.1 The Gambling Act 2005 is fully inclusive and affects all people equally. The consultation pool is diverse and wide and includes all faiths and as many social groups as possible as well as organisations that deal with vulnerable persons and interested business groups.

6. Financial Implications

- 6.1 None

7. Risk Assessment

- 7.1 The publication of a Statement of Licensing Policy under the Gambling Act 2005 is a statutory requirement and failure to do so by 3 January 2010 as required may lead to negative publicity and criticism from central government.
- 7.2 Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close cooperation and consistency with the other licensing authorities within Kent.

8. S. 17 Crime and Disorder Act 1998

- 8.1 Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's section obligations in that the objectives of the Act are:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 8.2 As members of the Kent and Medway Regulatory Licensing Steering Group we are committed to a partnership approach to licensing and enforcement. This also directly reflects section 17 requirements.

Background papers

Gambling Act 2005 and regulations thereunder

Guidance to Licensing Authorities issued by the Gambling Commission



Gravesham - A place of choice

Gambling Act 2005

Statement Of Licensing Policy 2010 - 2013

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1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling”

2. Introduction

Gravesham Borough Council is situated in the County of Kent, which contains 12 District Councils and 1 Unitary Authority in total. Each is represented on the Kent & Medway Regulatory Licensing Steering Group (K&MRLStGp) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.

This policy has been formulated by the K&MRLStGp.

Gravesham Borough Council area has a population of 96,000 in around 38,000 households. The Council area is rural with a central town and 6 parishes. The areas are shown in the map below.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement can also be reviewed from “time to time” and the amended parts re-consulted upon. The statement must then be re-published.

In determining its policy the licensing authority must have regard to the Guidance and will give appropriate weight to the views of those it has consulted.

Gravesham Borough Council consulted widely on this policy statement before finalising and publishing it. A list of the persons consulted is provided below. It should be noted that comments were also received from a number of other people and we have also listed all of these.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005
- The list of persons consulted when preparing this Policy statement is deliberately wide. The list of persons this authority consulted is attached at Appendix 4.

The consultation took place between x date and x date .We followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet

Office Guidance on consultations by the public sector. These documents are available via: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/>

The full list of comments made, the consideration of them by the Council and the reasons given for decisions made in drafting the policy following consultation, is available by request to: Licensing Section, Regulatory services Department 01474 33 73 34/ via the Council's website at: www.gravesham.gov.uk.

The policy was approved at a meeting of the Full Council on X date and was published via our website on x date. Copies have been placed in the public libraries of the area as well as being available in the principal Council Offices.

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

Name: Regulatory Services Department, Gravesham Borough Council
 Address: Civic Centre, Windmill Street, Gravesend Kent DA12 1AU
 E-mail: licensing.changes@gravesham.gov.uk

This policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application or representation will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005 and the Guidance issued by the Gambling Commission (the Guidance).

3. Declaration

In producing this final licensing policy statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance, and any responses from those consulted on the policy statement.

4. Casinos

Proposal for a casino – This licensing authority did not submit a proposal for a premises licence for a small casino

No Casinos resolution – Section 166 of the Gambling Act 2005 gives a Licensing Authority the ability to resolve not to issue casino premises licences. This licensing authority has **not** passed a 'no casino' resolution. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution¹.

5. Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing <i>Premises Licences</i>	Licensing Authority
Issue <i>Provisional Statements</i>	Licensing Authority
Regulate <i>members' clubs</i> and <i>miners' welfare institutes</i> who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority

Issue <i>Club Machine Permits to Commercial Clubs</i>	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at <i>unlicensed Family Entertainment Centres</i>	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Grant <i>Licensed Premises Gaming Machine Permits</i> for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required	Licensing Authority
Register <i>small society lotteries</i> below prescribed thresholds	Licensing Authority
Issue <i>Prize Gaming Permits</i>	Licensing Authority
Receive and Endorse <i>Temporary Use Notices</i>	Licensing Authority
Receive <i>Occasional Use Notices</i>	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

The Gambling Commission functions are listed on page 21.
The Licensing Authority is not responsible for remote gambling.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

6. Responsible Authorities

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

In accordance with the Gambling Commission's draft Guidance for local authorities this authority designates the following for this purpose:

Kent Social Services
Brenchley House
County Hall
Maidstone
Kent
ME14 1RF

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at: www.gravesham.gov.uk

7. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as someone who, in the opinion of the licensing authority which issues the licence or to which the application is made, -

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will however consider the following matters as recommended by the Guidance to local authorities:

- 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 (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. (not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults).
- 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.

The Gambling Commission has emphasised to licensing authorities, that ‘demand’ cannot be a factor in decisions.

Guidance also states that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.25).

The Gambling Commission has also recommended that the licensing authority state that interested parties include trade associations and trade unions, and residents and tenants’ associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

Interested parties can be represented by other persons such as Ward Councillors, Councillors for the Division, MP’s etc. Councillors who are part of the Licensing Committee dealing with the licence may not be able to represent an interested party. They may recommend another councillor who may help. If an interested party needs advice on this matter he should contact the Council’s Democratic Services section (committee.section@gravesham.gov.uk) or by telephone 01474 33 72 46

8. Exchange of Information

In holding and exchanging information with other bodies during the exercise of its functions under the Act the licensing authority will act in accordance with the provisions of the Act, the Data Protection principles as set out in the Data Protection Act 1998 and its duties under the Freedom of Information Act 2000. The Licensing Authority will make reasonable endeavours to enter into an information exchange protocol with the Gambling Commission and the bodies with functions under the Act in this regard as set out in section 350 and Schedule 6 to the Act to be prepared by The Kent & Medway Licensing Steering Group prior to the Act coming into force. The protocol will cover mechanisms for the exchange of information, authorisation of any such exchange, information security and retention schedules relating to data held by the signatories to the protocol.

The licensing authority will have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005

9. Enforcement

The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each Licensing Authority and Responsible Authority has agreed. The purpose of this protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. It will underpin the mutual operational support required to tackle licensing issues.

In accordance with the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended in the Guidance, adopt a risk-based inspection programme.

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

This licensing authority's principles are that:

It will be guided by the Guidance and will endeavour to be:

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

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which is authorises.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences.

The Gambling Commission will be responsible for compliance as regards unlicensed premises.

Introduction

The Gambling Commission's Guidance for licensing authorities states the following. The paragraphs below endeavour to meet this request:

"The licensing authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permission and matters that it will consider when determining whether to review a licence. The licensing authority will take into account considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children, should be detailed (where they are relevant). Any such policy must, however, come with the qualification that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, that will have to be taken into account. " (6.29)

1. Permits

(i) Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the "statement of principles" only applies to initial applications and not to renewals (paragraph 18(4)).

For initial applications, the Licensing Authority does not have to have regard to the licensing objectives but does need to have regard to any Gambling Commission guidance.

Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues.

The Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applications to demonstrate:

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

- that staff are trained to have a full understanding of the maximum stakes and prizes

With regard to renewals of these permits, a licensing 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 pursuit of the licensing objectives.

(ii) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or 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 gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

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

The Guidance states: “In their three year licensing policy statement, licensing authorities should include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. In particular, they may want to set out the matters that they will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request for the applicant, licensing authorities will want to give weight to child protection issues.

The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

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

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

(iv) Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in

forthcoming regulations. A Club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Guidance for local authorities states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.3)

The Guidance also makes it clear that "Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18."(25.14)

This Licensing Authority is aware that: "Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police (Gambling Commission's draft Guidance for Local Authorities 25.18)

It should be noted that there is a 'fast-track' procedure available for premises that hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's draft Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

2. Premises Licences

(i) Decision making - general:

Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and Regulations, as well as 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 believed to be appropriate.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

As regards licence conditions, the Guidance for local authorities states that "Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions:

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

The Commission also adds that "The licensing authority should take decisions on individual conditions on a case by case basis, although this will be against the background of any general policy set out in this guidance or their own licensing policy statement."

This licensing authority is in agreement with these statements by the Gambling Commission.

There are also conditions which the licensing authority cannot attach to premises licences which are:

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

The Gambling Commission has also emphasised to local authorities, that 'demand' cannot be a factor in decisions.

(ii) “premises”:

Definition of “premises” – In the Act “premises” is defined as including 2any place². Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping ma;; to obtain discrete premises licences, where appropriate standards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

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

This licensing authority takes particular note of the Gambling Commission’s draft Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, licensing authorities “should be aware that:

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

This licensing authority will also take note of the Guidance that: “Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.”

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

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

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

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Local Authorities or from another premises with a betting premises licence)
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

(iii) Location:

This licensing authority notes the Guidance which states that: “Licensing authorities will need to consider the location of premises without the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors”

The Commission also states in its Guidance: “For example, a licensing policy statement might set out that the authority will consider very carefully whether applications for premises licence in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be granted in light of the third licensing objective. Any such policy must, however, come with the qualification that each case will be decided on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.” This licensing authority will adhere to this advice.

(iv) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Guidance states: “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions should such a situation arise.

(v) Duplication

In accordance with the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

(vi) Door Supervisors

The Guidance states that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

However where a casino or bingo premises are licensed under the Licensing Act 2003 Door Supervisors employed are required to be licensed under the PSIA Act 2001 to enable them to perform their functions under that Act.

(vii) Licensing objectives

This licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are provided with regard to the licensing objectives.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Guidance has noted that "disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it." This authority agrees with this statement.

Ensuring that gambling is conducted in a fair and open way:

The Guidance states that "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence." This licensing authority also notes, however, that the Gambling Commission also states "in relating to the licensing tracks the licensing authorities' 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." This licensing authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.

Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Guidance states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in or being in close proximity to gambling..."

This Licensing Authority has also noted that Guidance states "Licensing authorities will need to consider whether specific measures will be needed to protect children on particular categories of premises. This may include requirements such as supervision of entrances; segregation of gambling from areas frequented by children and supervision of gaming machines in non-adult gambling specific premises. These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days) and in the regional casino, where children will be permitted in non-gambling areas."

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who

gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider the objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Licence holders may wish to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt, e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debt line and local Citizens Advice Bureaux and independent advice agencies

This licensing authority will pay particular attention to any Codes of Practice, which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.”

(viii) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission
- it is in accordance with any relevant guidance issued by the Gambling Commission
- it is reasonably consistent with the licensing objectives and
- it is in accordance with the authority’s statement of licensing policy

As well as consideration as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

(ix) Provisional Statements

This licensing authority notes that the Guidance states:

- “An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The intention behind part 8 of the Act is the references to “the premises” are to premises in which gambling may now take place. Thus a licence to use premises for gambling should only be issued in relation to premises that are ready to be used for gambling. This is why the Act allows an operator to apply for a provisional statement if the building is not yet complete, needs alteration, or he does not yet have a right to occupy it”

- “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. For example, the fact that a wall needed painting would not stop a full assessment of the premises as gambling premises, and in such circumstances it would probably be wrong to insist that the applicant applied for a provisional statement rather than a premises licence.”
- “Once an operator has completed a building, the licensing authority will be able to consider a premises licence application for it.”
- “Requiring the building to be complete ensures that the authority can inspect it fully, as can other responsible authorities with inspection rights under Part 15 of the Act. Inspection will allow authorities to check that gambling facilities comply with all necessary legal requirements. For example, Category C and D machines in a licensed family entertainment centre must be situated so that people under 18 do not have access to the category C machines. The physical location of the machines will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator’s proposals and the legal requirements.” (in relation to Provisional Licences)

In terms of representations about premises licence applications, following the grant of a provisional statement, the Guidance states: “If a provisional statement has been granted, the licensing authority is constrained in the matters it can consider when an application for a premises is made subsequently in relation to the same premises. No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage;
- or
- (b) which is in the authority’s opinion reflect a change in the operator’s circumstances.

This authority also has noted in the Guidance that “A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

(x) Adult Gaming Centres:

This licensing authority particularly notes that the Guidance states: “No-one under the age of 18 is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport.”

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

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover such issues as:

- Proof of age schemes
- CCTV

Supervision of entrances/machine areas
Physical separation of areas
Location of entry
Notices/signage
Specific opening hours
Self barring scheme
Provision of information leaflets/helpline numbers for organisations such as GamCare

(xi) (Licensed) Family Entertainment Centres:

This licensing authority will, in accordance with the Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures, for example, ensure that under 18's do not have access to the adult only gaming areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover such issues as:

Proof of age schemes
CCTV
Supervision of entrances/machine areas
Physical separation of areas
Location of entry
Notices/signage
Specific opening hours
Self barring scheme
Provision of information leaflets/helpline numbers for organisations such as GamCare
Measures/training for staff on how to deal with suspected truant school children on the premises

(xii) Tracks:

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We have taken note of the following draft Guidance from the Gambling Commission:

- "Only one premises licence may be issued for any particular premises at any time....There is one exception to this rule, namely a track (i.e. a horse race course, dog track or other premises where races or sporting events take place), which may be subject to more than one premises licence, provided each licence relates to a specified area of the track... The Act set out that there will be a main (betting premises) licence for the track, and in addition subsidiary premises licences for other gambling activities may be issued. The normal limitations in terms of access by children and young persons will apply, although in relation to a premises licence in respect of a track, children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place. This is subject to the rule that children and young persons may not enter any areas where gaming machines (other than category D machines) are provided...In principle there is no reason why all types of gambling should not co-exist upon a track, but authorities will

want to think about how a third licensing objective is delivered by the co-location of premises. As with the granting of multiple licence in a single building, licensing authorities will need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.”

- “Premises licences in relation to tracks are unusual in that, because the track operator does not need to have an operating licence (although may have one), the premises licence will need to contain requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting. The conduct of the betting on tracks will be regulated primarily through the operating licences that the persons offering betting on the track will need to hold (whether a general betting operating licence, or a pool betting operating licence). But the track operator will have a role to play in ensuring, for example, that the betting areas are properly administered, and licensing authorities will have an important role in regulating tracks, because of the particular rules surrounding on-course betting, and the sub-division of the track into different areas.”
- “Special rules apply to applicants for a premises licence in relation to a track. Most importantly, as noted above, the applicant need not hold an operating licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence), the betting that is provided upon the track will not be provided by him, but will be provided by other operators who come on-course. Since those people will require the necessary operating licences, the Act allows the track operator to obtain a premises licence without also having to hold an operating licence. This track premises licences (sic) then authorises anyone upon the premises with an operating licence to offer betting facilities.”
- “the secondary aspect to this rule is that each individual operator who comes onto the track on race days does not need to hold a premises licence. Instead, he will be covered by the umbrella of the premises licence held by the track operator.”
- It is understood from the Gambling Commission’s Guidance that it plans to issue guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority will take note of this guidance. This licensing authority will also, in accordance with the Guidance, consider the location of gaming machines at tracks. Children as young persons are not prohibited from playing category D gaming machines on a track.
- The Commission has stated: “applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded.”

Licensing authorities have a power under the Gambling Act 2005, to 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. The Guidance states: “In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of

such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.”

The Guidance also states:-

- The Commission will issue further guidance about how such premises should be delineated, both to make it clear to the public that they are entering a “betting office” and to keep out children and young persons.
- “As the betting premises licence for a track could authorise the entire premises to be used for providing betting facilities, this could mean that no separate betting premises licence would be necessary for the self-contained premises. The effect of this approach would be that the track operator was responsible for premises licence issues relating to the self-contained premises, rather than accountability resting with the betting operator providing facilities within it.”
- “If the self-contained premises were the subject of a separate premises licence, that licence would have its own, directly imposed conditions. It would also allow the premises to use up to four gaming machines (in categories B2 to D), as described in Part 19.
- “In the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises”
- “Section 151 of the Act requires applicants for premises licences to submit plans for the premises. To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.
- “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- “The Commission will offer further guidance on this and similar issues...”

(xiii) Casinos

Casinos and competitive bidding – This licensing authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

Betting machines – This licensing authority is aware that, as explained in Guidance for local authorities: “Section 181 contains an express power for licensing authorities to 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 (it is an offence for those under 18 to bet) or by vulnerable persons.”

Where there is clear evidence of machines that have been or are likely to be used in breach of the licensing objectives in any particular premises this authority will take this into account when deciding whether to limit the number of machines in any premises.

Credit: Guidance for Local Authorities states that:- “section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. Guidance on the further conditions that may apply in relation to such machines will be included in the next version of this guidance”

(xiv) Bingo

The Guidance states:

- “Licensing authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the Commission’s website”
- “Further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises”

Once this information is available, this licensing authority will consider its application to premises licences for bingo premises.

(xv) Temporary Use Notices

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building / site (see Gambling Commission’s Guidance for Local Authorities).

(xvi) Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

(xvii) Travelling Fairs:

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

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

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses shared boundaries is monitored so that the statutory limits are not exceeded.

(xviii) Betting premises

Betting machines –The Guidance states: “Section 181 contains an express power for licensing authorities to 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 (it is an offence for those under 18 to bet) or by vulnerable persons.”

Credit - The Gambling Commission Guidance states: “section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines.” It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for betting premises as regards credit and this licensing authority will consider the guidance when it is available.

Information exchange

1. It should be noted that there are sections of the Gambling Commission’s Guidance for local authorities which relate to Information Exchange but these are only in draft. The sections are:

- “As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of the applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay” (5.7)”
- “Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Though if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)” (5.9)
- “If it comes to the attention of licensing authorities that Alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves

significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission.” (18.11)

Gambling Commission Functions

Function	Who deals with it
Issue and renewal of <i>Operating Licences</i>	Gambling Commission
Review <i>Operating Licences</i>	Gambling Commission
Issue <i>Personal Licences</i>	Gambling Commission
Issue <i>Codes of Practice</i>	Gambling Commission
Issue <i>Guidance to Licensing Authorities</i>	Gambling Commission
Licence remote gambling through <i>Operating Licences</i>	Gambling Commission
Issue licences in relation to the <i>manufacture, supply, installation, adaptation, maintenance or repair of gaming machines</i>	Gambling Commission

Responsible Authorities Contact details:

Licensing Authority
Regulatory Services
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU
www.gravesham.gov.uk
licensingchanges@gravesham.gov.uk
Tel: 01474 33 76 51

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
www.gamblingcommission.gov.uk
Tel: 0121 230 6500

Chief Officer of Police
North Kent Police Station
Thamesway
Northfleet
Kent
DA11 8BD
paul.diment@kent.pnn.police.uk
Tel: 01474 33 10 55

Dartford Fire Safety Office
Dartford Fire Station
Watling Street
Dartford
Kent
DA2 6EG
www.kent.fire-uk.org
Tel: 01322 22 42 29

Gravesham Borough Council
Planning and Regeneration Services
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU
www.gravesham.gov.uk
planning.general@gravesham.gov.uk
Tel: 01474 33 73 91

Gravesham Borough Council
Environmental Protection
Regulatory Services
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU
www.gravesham.gov.uk
health.admin@gravesham.gov.uk

For premises where H&S is enforced by GBC
e.g. shops, pubs, clubs, etc
Gravesham Borough Council
Commercial Section (Health & Safety)
Regulatory Services
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU
www.gravesham.gov.uk
health.admin@gravesham.gov.uk

Kent County Council
Social Services Children and Families
District Manager
Joynes House
New Road
Gravesend
Kent
DA11 0AT
Susan.haywood@kent.gov.uk
Tel: 01474 32 86 64

HM Revenue & Customs
Medvale House
Moat Road
Maidstone
Kent
ME15 6AE
www.hmrc.gov.uk
Tel: 0845 302 1431

Organisation

All Ward Councillors
Councillors Members Room
Parish councils
Dartford Borough Council
Medway Council
London Borough of Bexley
Tonbridge & Malling District Council
Sevenoaks District Council
All Premises licence holders with alcohol
licences
Advertisement
Advertisement
Association of British Bookmakers
Lotteries Council
British Amusement Catering Trade Association
British Casino Association
Casino Operator's Association of the UK
Bingo Association
British Horseracing Board
British Greyhound Racing Board
Business in Sport & Leisure
Gamcare
Responsibility in Gambling Trust
Gamblers Anonymous
Gordon House
Samaritans
Mental Health Foundation
APAS
Childline – NSPCC
General Medical Council
National Children's Bureau
Public Fundraising Regulatory Association
The Children's Society
Kent Primary Care Agency
Addiction Services
National Addiction Centre
Horseracing Regulatory Authority
The Society for the Study of Gambling
Hill Racing
K Johnson
Gala Coral Group Ltd
William Hill
Ladbrokes
Tote
Victor Chandler UK
Pridmore
Betfred
Stan James
Rank Group
Littlewoods
Vernons
Equal Opportunities Commission
North West Kent Racial Equality Council

Commission for Racial Equality
North Kent Council for Interfaith Relations
Gravesend Hindu Association
Gravesend & Dartford Muslim Association
The President of the Guru Nanak Darbar
Gurdwara
Gravesend Central Library
Coldharbour Library
Dashwood Library
Kings Farm Library
Meopham Library
Dartford, Gravesham and Swanley PCT
Dartford, Gravesham and Swanley Community
Health Council
Gravesend Age Concern
Northfleet Age Concern
Help the Aged
Mencap
The Salvation Army London South East Division
Churches Housing Association
National Debt Line
Thames Matic
The Emmanuel Baptist Church
St. John's RC Church
All Saints Church
Chalk Pentecostal Church
Christ Church
Dene Holm Methodist Church
St. Aidans Church
Churches Together in Kent/The Kent Baptist
Association
Shri Guru Ravidass Gurdwara
St. Georges Church
St. John the Evangelist Church
St. Mary the Virgin Church
Shepherd Neame Ltd
Punch Taverns
Spirit Managed (Thames)
Enterprise Inns
Whitbread Group
Orchid Pubs Thames Ltd
Gravesend Chamber of Commerce
Kent Thameside Chamber of Commerce
Local Business Partnership
Port of London Authority
Citizens Advice Bureau
Gravesham Licensed Victuallers Association
British Institute of Innkeeping
British Beer and Pub Association
Bar Entertainment & Dance Association
Hatten Wyatt solicitors
Robin F Clark solicitors

Appendix 5

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Regional casino (table/machine ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D within the total limit of 1250 (subject to table ratio)						
Large casino (table/machine 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 (table/machine 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 table/machine 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 B3A, B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3A, B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on Category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines
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 upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on Category D machines
	A	B1	B2	B3	B4	C	D

Appendix 6

Delegations			
Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		Where there are 5 or more machines or where objections have been made (and not withdrawn)	4 machines or less
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decisions to give a counter notice to a temporary use notice		X	

Appendix 7

Summary of Maximum stake and Maximum prize by category of gaming machine

Category of machine	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – Non money prize (other than a crane grab machine)	30p	£8 non-monetary prize
D – Money prize	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)	10p	£15 (of which no more than £8 may be a money prize)

Glossary of terms

Adult Gaming Centre – AGC's	Adult gaming centres (AGC's) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a Premises licence from the Council. Category B, C and D machines can be made available to customers.
Alcohol Licensed Premises gaming machine permits	The Council can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.
Applications	Applications for licenses and permits.
Authorisations	This policy relates to all authorisations, permits, licences etc, which the Council is responsible for under the Gambling Act 2005.
Betting machines	A machine designed or adapted for the use to bet on future real events (not gaming machines).
Bingo	<p>A game of equal chance. Bingo has no statutory definition. It is to have its ordinary and natural meaning. Under the previous legislation, two types of bingo could be offered:</p> <ul style="list-style-type: none"> • cash bingo, where the stakes paid made up the cash prizes that were won; or • prize bingo, where various forms of prizes were won, not directly related to the stakes paid. <p>Traditionally, cash bingo was the main type of bingo played in commercial bingo halls. They could also offer prize bingo, largely as interval games. Under the 2005 Act, the distinction between these two version of the game was abolished for commercial operators, and the holder of a bingo operating licence can offer any type of bingo game, whether cash or prize. Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, especially seaside amusement arcades or travelling funfairs. For these operators, prize bingo has been subsumed within the allowances for prize gaming in the act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo.</p> <p>In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not</p>

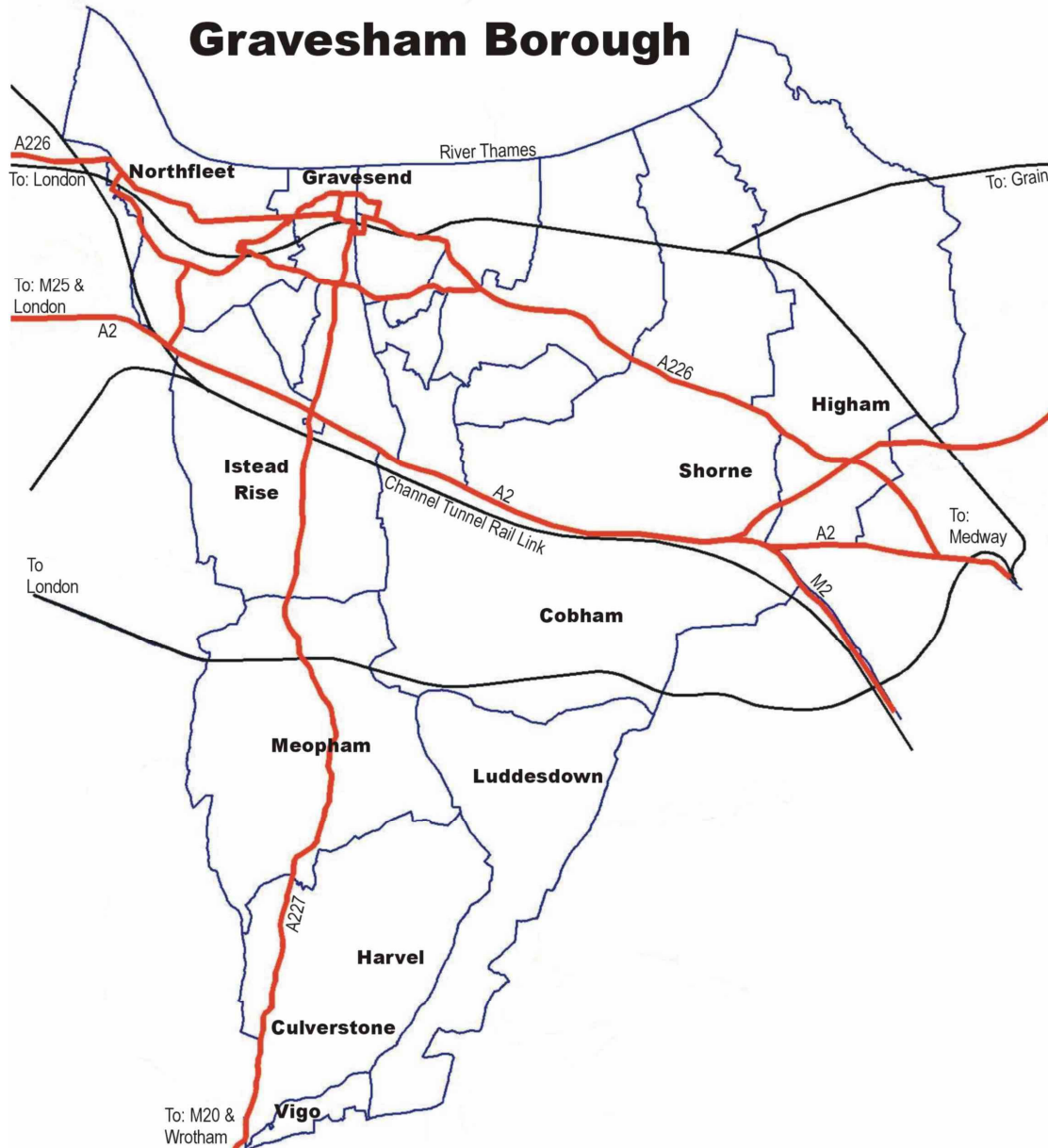
	be determined by reference to the amount paid for or raised by gaming
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Children	Individual who is less than 16 years old
Club Gaming Permit	Club gaming permits allow members; clubs and miners' welfare institutes (but not a commercial club) to provide to provide gaming machines (3 machines of Category B, C or D), equal chance gaming and games of chance.
Club Gaming Machine Permit	These permits allow the holder to have up to 3 gaming machines of category B, C or D.
Code of Practice	Means any relevant code of practice under section 24 of the Gambling Act 2005.
Default Conditions	Conditions that will apply unless the Council decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Disorder	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.
Family Entertainment Centres – FEC's	Family Entertainment Centre, licensed or unlicensed but operating with a permit may provide any number of gaming machines of category C or D.
Occasional Use Notices	Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises licence. A track includes a horse race course, dog track and temporary tracks for races or sporting events.
Operating Licence	Authorises individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principle commercial forms of gambling operating. A single licence cannot authorise remote and non-remote activities; separate operating licences are needed for this. Conditions may be attached.
Personal licences	Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for

	gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.
Premises	“Premises” is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as separate premises will always be a question of fact in the circumstances. However, the Council would have to consider very carefully whether areas of a building that are artificially or temporarily separate can properly be regarded as different premises.
Premises Licence	Authorises the provision of facilities for gambling on premises for casinos, bingo, betting (including tracks), adult gaming centres and family entertainment centres. The Premises licence will include details of conditions. These licences are issued by the Council, are valid for the life of the premises, subject to any reviews that may be triggered and can lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else hold a valid operating licence.
Prize Gaming Permits and prize gaming	This permit allows the provision of facilities for gaming and prizes on specified premises. “Prize gaming” refers to gaming where the nature and size of the prize is not determined by the numbers of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operators before the play commences.
Temporary Use Notices	These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises could include hotels, conference centres and sporting venues.
Unlicensed Family Entertainment Centre Gaming Machine Permit	These allow the use of an unlimited number of category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

GAMCARE

National Association for Gambling Care, Educational Resources and Training
GamCare provides confidential counselling, advice and information for those affected by a gambling problem.

HELPLINE: 0845 6000 133



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Licensing Panel**Thursday, 1 November 2007****10.00am****Present:**

Cllr Raymonde Collins (Chairman)

Cllrs: Leslie Hills
John Loughlin

Martin Goodman	Corporate Lawyer
Allan Glasson	Senior Environmental Health Officer
Allen Vulgar	Environmental Health Office
Christina Hills	Senior Licensing Officer
Gurwinder Aujla	Trainee Solicitor
Nick Channon	Democratic Services Officer
Christopher Wakeford	Democratic Services Assistant

Also in Attendance:

Mr Gurdial Singh Panaser - Applicant
 Mr Brian Rees - Guild of Master Victuallers and Kent Federation
 Sian Steadman - Prospective Licensee of Portlands - Spectrum Club

3. Declarations of Interest

No declarations were made.

4. Portlands - Spectrum Club - 40 High Street Northfleet

The Panel considered an application by Gurdial Singh Panaser for the grant of a Premises Licence under the Licensing Act 2003 in respect of Portlands - Spectrum Club, 40 High Street, Northfleet. The application sought to provide the following:-

- | | | |
|-----|---------------------------------------|-------------------------------|
| 1. | Hours premises are open to the public | Monday - Sunday 12.00 - 03.00 |
| 2. | Supply of alcohol | Monday - Sunday 12.00 - 02.30 |
| 3. | Late night refreshments | Monday - Sunday 12.00 - 02.30 |
| 4. | Plays | Monday - Sunday 12.00 - 01.00 |
| 5. | Films | Monday - Sunday 12.00 - 01.00 |
| 6. | Indoor sporting events | Monday - Sunday 12.00 - 01.00 |
| 7. | Boxing or wrestling entertainment | Monday - Sunday 12.00 - 01.00 |
| 8. | Live music | Monday - Sunday 12.00 - 02.00 |
| 9. | Recorded music | Monday - Sunday 12.00 - 02.45 |
| 10. | Performance of dance | Monday - Sunday 12.00 - 02.30 |
| 11. | Anything of a similar description | Monday - Sunday 12.00 - 02.30 |

- | | | |
|-----|--|-------------------------------|
| 12. | Provision of facilities for making music | Monday - Sunday 12.00 - 02.00 |
| 13. | Provision of facilities for dancing | Monday - Sunday 12.00 - 02.30 |
| 14. | Provision of facilities for entertainment of a similar description to that falling within (12) or (13) | Monday - Sunday 12.00 - 02.30 |

Objections were heard from a number of residents from Factory Road who had appointed Ms Chris Wenden as their spokesperson.

5. Determination

The Panel determined that significant works would have to be carried out before the building could be considered suitable as an entertainment venue which does not cause excessive noise disturbance to the adjacent residential area.

The Panel determined that there were a number of issues concerning the use of the building that were likely to cause nuisance, in particular disturbance caused by patrons leaving the premises late at night.

The Panel considered the four licensing objectives and had concerns that, were the licence granted, residents would be highly likely to suffer unacceptable public nuisance.

Resolved that the application be refused.

Close of meeting

The meeting ended at 1.15 pm.

Licensing Panel

Tuesday, 13 November 2007

10.00am

Present:

Cllr William Dyke (Chairman)

Cllrs: Ronald Bowman
Greta Goatley

Martin Goodman	Corporate Lawyer
Christina Hills	Senior Licensing Officer
Christopher Wakeford	Democratic Services Assistant

Also in Attendance:

Reverend Nigel Bourne - Applicant
Joyce Harris - Chalk Parochial Church Council Secretary
Barbara Millatt - Chalk Parochial Church Council Member

6. Declarations of Interest

No declarations were made.

7. Chalk Parish Church Hall, Lower Higham Road, Gravesend

The Panel considered an application by Reverend Nigel Bourne for the grant of a premises licence under the Licensing Act 2003 in respect of Chalk Parish Church Hall, Lower Higham Road, Gravesend. The application sought to provide the following:-

- (a) Plays, films, live music, recorded music, performance of dance between the hours of 19.00 and 22.30 for an estimated maximum of five events per year;
- (b) Indoor sports (for the purpose of indoor bowls) on Thursdays and Sundays between the hours of 19.00 and 22.00.

The proposed hours of opening will be as hired between 08.00 and 23.00 Sunday to Thursday and between 08.00 and 00.00 on Friday and Saturday.

Objections were heard from three residents from Pirrip Close, Chalk, Gravesend who had appointed Mr Richard Howard as their spokesperson.

8. Determination

The Panel decided to grant the application provided that the following conditions were complied with:-

- (1) a member of the Committee is to be present for the duration of every evening event which takes place following the grant of this application;
- (2) there shall be no professional bar at any event and no draught beer available;
- (3) within 12 months of the issue of this licence the applicant shall install an air conditioning system and install an electronic noise limiter with power breaks on all external doors and windows;
- (4) signage shall be put in place requesting that people respect the needs of nearby residents and leave the premises and area quietly;
- (5) no music shall be played at any time when a window or a door to the Hall is open;
- (6) the hirers agreement shall incorporate the above conditions and shall contain a provision to the effect that the deposit (of at least £200) shall be forfeited in the event of any breach.

Resolved that the application be granted subject to the conditions set out above.

Close of meeting

The meeting ended at 11.14 am.

Licensing Panel

Thursday, 31 January 2008

10.00am

Present:

Cllr William Dyke (Chairman)

Cllrs: Ronald Bowman
Leslie Hills

Martin Goodman

Christina Hills

Christopher Wakeford

Corporate Lawyer

Senior Licensing Officer

Democratic Services Assistant

Also in Attendance:

Paul Diment - Liquor Licensing Officer (Kent Police)

David Crank – Solicitor for the Applicant

Steve Mahoney – Licensing Manager

Darren Sprules – Area Manager

Margaret Grimmond – Store Manager

Samantha McCann – College Student on work experience.

9. Declarations of Interest

No declarations were made.

10. McColls, 2 Neville Place, Wrotham Road, Meopham, Kent DA13 0HS

The Panel considered an application by Martin McColl Limited for the grant of a Premises Licence under section 17 of the Licensing Act 2003 in respect of McColls, 2 Neville Place, Wrotham Road, Meopham, Kent DA13 0HS. The shop presently trades as a newsagent.

The application sought to provide the following:-

- the sale of alcohol between 06:00 - 20:00, Monday to Sunday.
- the proposed opening hours are 06:00 - 20:00, Monday to Sunday.

Objections were heard from Cllr Mike Snelling and Meopham Parish Cllr William Fisher.

11. Determination

Having considered all representations from the applicant, responsible authorities and interested parties, the Panel decided to grant the licence on the terms set out in the letter of

the licensing officer dated 2 January 2008, with the exception of condition 10 which was deleted.

Resolved that the application be granted subject to conditions.

Close of meeting

The meeting ended at 11.20 am

Licensing Panel

Tuesday, 8 July 2008 10.00am

Present:

Cllr William Dyke (Chairman)

Cllrs: Greta Goatley
John Loughlin

Note: Cllr Leslie Hills was also in attendance

Christina Hills	Senior Licensing Officer
GurwinderAujla	Trainee Solicitor
Sue Hill	Committee & Elections Manager

Three Members of the local press

1. Declarations of interest

No declarations were made.

2. Bob's Stores, 71 Lower Higham Road, Gravesend

The Panel considered an application by Kent County Council Trading Standards for the review of the Premises Licence under section 51 of the Licensing Act 2003 in respect of Bob's Stores, 71 Lower Higham Road, Gravesend, as a general store and off-licence.

The application sought to add the following conditions to the licence in order to assist with the prevention of the sale of alcohol to persons under the age of 18.

- (1) Mrs Karakus should be removed as Designated Premises Supervisor and replaced by a member of staff who holds a senior full time position in the shop and who is a personal licence holder;
- (2) a Challenge 21 policy should be introduced and publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy;
- (3) the refusals register is to be completed every time a refusal is made to someone because they appear under 21 in a format agreed by Kent Trading Standards;
- (4) the refusals book should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this;
- (5) there should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of

staff to confirm that they have been trained in relation to sales of age restricted goods. This training should include (but not limited to):-

- making all staff fully aware of a Challenge 21 policy;
 - training all staff on the use of a refusals book as described above.
- (6) when supervising the shop floor or serving customers, the internet must not be used on the till computer;
- (7) forms of identification which are to be acceptable as "proof of age" must be limited to a passport, driving licence (with photo) or "pass approved" proof of age card.

3. Determination

Having considered the information in the written report; the further evidence of Trading Standards as the responsible authority; the statement of the Licence Holder, including the acceptance of the conditions recommended; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State, and having taken into account the licensing objective (namely the protection of children from harm) it was:-

Resolved that the conditions set out in 2 (1-7) above be attached to the Premises Licence.

Reason:

The fact that all of the conditions had been implemented since the failed test purchase and they had been accepted by the Licence Holder

Note: The Licence Holder was reminded of his right to appeal to the Magistrates Court against the decision within 21 days of it being made.

Close of meeting

The meeting ended at 11.06 am.

Licensing Panel

Thursday, 18 December 2008

10.00am

Present:

Cllr William Dyke (Chairman)

Cllrs: Greta Goatley
John Loughlin

Christina Hills	Senior Licensing Officer
Martin Goodman	Corporate Lawyer
Mike Crawford	Senior Legal Advisor
Nick Channon	Committee Services Officer
Martin Goodman	Corporate Lawyer
Christina Hills	Senior Licensing Officer
Carlie Plowman	Committee & Scrutiny Assistant

4. Declarations of Interest

No declarations were made.

5. Newsco, 21 Forge Lane , Higham

The Panel considered an application by Kent County Council Trading Standards for the review of the Premises Licence under Section 51 of the Licensing Act 2003 in respect of Newsco, 21 Forge Lane, Higham, Kent, as a general store and off-licence – Reference GM/PRE/0506/0229.

The grounds for applying for the review were in order to address the licensing objective ‘protection of children from harm’ and related to a positive test purchase carried out at the premises, where a sale of alcohol was made to an underage volunteer acting on behalf of Trading Standards.

The applicant requested that the following conditions be added to the premises licence:

- (1) the Designated Premises Supervisor in post on the 28th August 2008 should repeat the training required for the granting of the National Certificate for Personal Licence Holders (NCPLH) Level 2;
- (2) a Challenge 21 policy should be introduced and publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy;
- (3) the refusals register is to be completed every time a refusal is made to someone because they appear under 21 in a format agreed by Kent Trading Standards;

- (4) the refusals register should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this;
- (5) there should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm that they have been trained in relation to sales of age restricted goods. This training should include (but not be limited to):-
 - making all staff fully aware of a Challenge 21 policy;
 - training all staff on the use of a refusals book as described in point 3 above.
- (6) forms of identification which are to be acceptable as 'proof of age' must be limited to a passport, driving licence (with photo) or "Pass approved" proof of age card.

6. Determination

Having taken into account the four licensing objectives, the Council's Licensing Policy and the Statutory Guidance, the Panel **resolved** that it was necessary for the six conditions set out in 2 (1-6) above to be attached to the Premises Licence.

Note:

The conditions would be implemented as from the date of the decision and were accepted by the Licence Holder.

Close of meeting

The meeting ended at 10.35am.

Licensing Panel

Thursday, 18 December 2008

11.30am

Present:

Cllr William Dyke (Chairman)

Cllrs: Greta Goatley
John Loughlin

Christina Hills	Senior Licensing Officer
Martin Goodman	Corporate Lawyer
Doug Finch	Scrutiny Officer
Nick Channon	Committee Services Officer
Rhian Llewelyn	Trainee Solicitor
Richard Strawson	Area Manager, Kent County Trading Standards
Oliver Jewell	Kent Trading Standards
Paul Dimont	Liquor Licensing Officer (Kent Police)

Note: The Licence holder did not attend the hearing and the Panel resolved to proceed in his absence.

1. Declarations of Interest

No declarations were made.

2. Valley Wine & Groceries, Valley Drive, Gravesend

The Panel considered an application by Kent County Council Trading Standards for the review of a premises Licence granted under the Licensing Act 2003 in respect of Valley Wine and Groceries, 11, Valley Drive, Gravesend - ref GM/PRE/05060068.

The grounds for applying for the review were in order to address the licensing objective "Protection of Children from Harm" and related to a positive test purchase operation carried out at the premises, where a sale of alcohol was made to a 15 year old volunteer acting on behalf of Trading Standards.

The applicant requested that the following conditions be added to the Premises Licence:

1. Mr Atim (or another person holding a Personal Licence) should at all times be in the shop floor area to personally supervise age restricted sales. If no personal licence holder is available to personally oversee a sale of alcohol then a sale of alcohol cannot be made.

2. A Challenge 21 policy, where all potential purchasers believed to appear to be under 21 should produce acceptable proof of age, should be publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy and this policy should be adhered to in all instances.
3. A refusals register is to be completed every time a refusal is made to someone because they appear to be under 21 in a format agreed by Kent Trading Standards.
4. The refusals register should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this.
5. There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm they have been trained in relation to sales of age restricted goods. This training should include (but not be limited to):-
 - making all staff fully aware of a Challenge 21 policy;
 - training all staff on the use of a refusals register as described in point 3.
6. Forms of identification which are acceptable as 'proof of age' must be limited to a passport, full driving licence (with photo – not paper copy or provisional) or "Pass approved" proof of age card.
7. CCTV should be made available to view to any officer of Kent Police or Kent Trading Standards on demand and if requested a copy should be produced within 48 hours.

3. Determination

Having considered all the written and oral representations, the Secretary of State's guidance and the Council's adopted licensing policy, the Panel decided that it was necessary to impose the conditions requested by the Applicant and to suspend the licence for 28 days. The Panel also considered it necessary to impose a further condition that before any further licensable activities took place the Designated Premises Supervisor should achieve a BII level 2 qualification for personal licence holders under the Licensing Act 2003

Close of meeting

The meeting ended at 12.30 pm.

Licensing Panel

Thursday 15 January 2009 - Friday 16 January 2009

10am

Present:

Cllr William Dyke (Chairman)

Cllrs: Ronald Bowman
Greta Goatley

Martin Goodman	Corporate Lawyer
Christina Hills	Senior Licensing Officer
Allan Glasson	Senior Environmental Health Officer
Maureen Elizabeth Laney	Environmental Health Officer
Mohammad Bauluck	Licensing Officer
Christopher Wakeford	Committee & Scrutiny Assistant

Also in Attendance:

Police Sergeant Graham James	Kent Police
Police Sergeant Gary Brimson	Alcohol, Gambling & Licensing - Kent Police
Police Constable Sarah Louise Lewis	Kent Police
Police Constable Joanne Mallett	Kent Police
Police Constable Ronald Murray	Kent Police
Police Constable Adrian Richard Parsons	Kent Police
Police Constable Emma Louise Shea	Kent Police
Police Constable Leighton Winslade	Kent Police
Paul Diment	Liquor Licensing Officer - Kent Police

Makhan Singh Cheema	Designated Premises Supervisor, H ² O (Respondent)
Michael Barrett	General Manager, H ² O
Edmund Walters	Barrister for the Respondent
Adrian Gillan	Solicitor for the Respondent

4. Declarations of Interest

No declarations were made.

5. H²O, 68/69 High Street, Gravesend, Kent

The Panel considered an application by Paul Brandon of North Kent Police for the review of the Premises Licence under Section 51 of the Licensing Act 2003 in respect of a Premises Licence held in the name of La Saffae Limited, trading as H²O, 68/69 High Street, Gravesend, Kent. – Reference GM/PRE/0607/0018.

The application relates to the following breaches of the licensing objectives:

- (i) The prevention of crime and disorder:
 - Lack of control of premises/staff by DPS.
 - Door staff failing to maintain correct procedures in relation to entry of persons under 18 years old.
 - Serving alcohol to drunken person.
 - Failure to comply with licensing conditions, namely allowing persons to enter the premises after 03.00 hours.
 - Failure to comply with licensing conditions, namely maintenance of internal and external CCTV to records and retain coverage for 31 days.
- (ii) The protection of public safety:
 - Failure to maintain logs relating to incidents of crime/disorder/safety within premises
- (iii) The protection of children from harm:
 - Allowing persons under the age of 18 on licensed premises after midnight.
 - Supply of alcohol to persons aged under 18 years old.

The applicant requested that the following conditions be added to the premises licence:

- (i) Revocation of the Premises Licence. Their reasons are:-

"This is the recommendation of North Kent Police owing to the vast array laws, regulations and conditions that have been breached. In doing so, the Management responsible for the premises have displayed a total lack of integrity and have failed to address any of these issues either by poor judgement or deliberate neglect. Whilst in other circumstances the Police may suggest alternative proposals as a starting point, such as replacing the management structure i.e. the DPS, General Manager, in this instance the Premises Licence Holder is a company formed in the main part by the current DPS. The Police therefore believe whoever is appointed as a DPS will still be controlled essentially by the same persons running the premises as at present and due to evidence provided, the Police do not have sufficient faith in those persons to correct the situation."

If this were not the decision of the Licensing Panel, the Police would wish to see the following set of conditions imposed. These are all aimed at correcting the current situation and allowing the club to be run in an orderly manner:

- The hours of opening are to be reduced to 01.30 hours Monday through to Sunday;
- Alcohol sales and regulated entertainment are to cease at 01.00 hours;
- Appointment of a new DPS;

- Appointment of a new General Manager;
- The DPS to be present during all trading sessions on Friday, Saturday and Sunday evenings or when a special function is held. If this is not to be the case the police shall be informed of the person taking responsibility for that evening. This will apply to any event organised for persons under the age of 18;
- Appointment of new Door Security Team, appointed from a separate company than that at present. A minimum of 8 SIA staff are to be employed on each day the club is open. At least one of these is to be female;
- The DPS will ensure that all staff are trained in their responsibilities and this training will be documented. All staff employed at the premises are to be trained by a recognised organisation in drug recognitions and signs and symptoms of drug use;
- A Kent Police issued drugs box is to be placed in the premises for the disposal of any drugs seized from any person on entry or inside the club;
- Regular (at least every 15 minutes) checks to be made of the toilets particular for drug use;
- Hard drive CCTV system to be installed and working 24 hours per day. To incorporate all present cameras on either system used at present. CCTV recordings are to be maintained for at least 31 days and a copy given to a police officer whenever required. The system is to be approved by the police prior to installation;
- The DPS and General Manager to be fully conversant with the workings of the system;
- A proper recognised documentation system for recording of all incidents to be introduced. When crime/disorder occurs this should be reported to the Police;
- The DPS will ensure that any persons under the age of 18 years will not be allowed to enter the premises at any time, save for special events organised specifically for this age group. A strict ID and entry scheme will be introduced for any person who may appear to be under the age of 25 years old;
- Any proposed event for persons under the age of 18 years old will be notified to both the Police and Local Council licensing officers;
- No patrons are to take any alcoholic drink outside the front of the premises, nor any person to drink any alcoholic drink within the confines of the property at the front;
- A maximum of 10 persons allowed to exit and re-enter the club for any purposes at any one time.

6. Determination

The Premises Licence in respect of H²O, 68/69 High Street, Gravesend, Kent – Reference GM/PRE/0607/0018 states clearly what is required and accordingly the management of these premises should have understood that these conditions must be complied with.

The Panel agreed that there had been a blatant disregard of the licensing conditions and that the management of these premises made little or in fact no attempt to rectify the issues which arose over the past months as highlighted below:

- (i) The prevention of Crime and Disorder:
- Lack of control by the DPS and staff;
 - Door staff failing to maintain correct procedures in relation to entry of persons under 18 years old;
 - Serving alcohol to drunken persons;
 - Allowing persons to enter the premises after 03.00 hours;
 - Failure to provide and maintain internal and external CCTV to records;
 - Failure to keep records and logs of incidents within the premises.
- (ii) The Protection of Children from harm:
- Allowing persons under the age of 18 on licensed premises after midnight and allowing the consumption of alcohol to persons under the age of 18 years old.

The large amount of evidence presented by the Police and Local Authority led the Panel to one conclusion only: - that the Licensing Conditions were being openly flouted.

Consideration was given by the Panel to allow the Club to change its Management structure and hours of opening.

However, it was felt that this would do little to help. The panel felt it could no longer accept the trouble the premises are causing in Gravesend Town Centre.

The Panel wanted to make it quite clear that they have no bias against Clubs of a similar nature operating within the Borough. Provided that they operate within the rules and regulations laid out under the Licensing Act 2003. Venues for late night social activities appear to have their place in society.

Rules and regulations of the Licensing Act 2003 are laid down by National Government and the Local Authority has a duty to observe and impose these regulations which are for the benefit of the Borough residents.

However, in the case of the License issued in respect of H²O, 68/69 High Street, Gravesend, Kent, in the opinion of the Panel, conditions have not been complied with and this view is backed by the extensive electronic evidence, observations and statements presented to the Panel.

Having considered all representations from the applicant, respondent and responsible authorities and having taken into account the four licensing objectives, the Council's Licensing Policy and the Statutory Guidance, the Panel **resolved** that:

The Licence issued in respect of H²O, 68/69 High Street, Gravesend, Kent be withdrawn.

Close of meeting

The meeting ended at 4.40 pm on 16 January 2009.

Licensing Panel

Friday, 3 April 2009

10.00 am

Present:

Cllr William Dyke (Chairman)

Cllrs: Greta Goatley
John Loughlin

Also in Attendance:

Martin Goodman
Christina Hills
Carlie Plowman
Paul Diment
Gillian Powell
Mark Norfolk

Corporate Lawyer
Senior Licensing Officer
Committee & Scrutiny Assistant
Liquor Licensing Officer - Kent Police
Kent Trading Standards
Kent Trading Standards

7. Declarations of Interest

No declarations were made.

8. Northfleet Food and Wine, 171 High Street, Northfleet DA11 9HG

The Panel considered an application by Kent County Council Trading Standards for the review of the Premises Licence under Section 51 of the Licensing Act 2003 in respect of Northfleet Food & Wine, 171 High Street, Northfleet, Kent, as a grocery store and off-licence – Reference GM/PRE/0506/0065.

The grounds for applying for the review were in order to address the licensing objective ‘protection of children from harm’ and related to a positive test purchase carried out at the premises, where a sale of alcohol was made to an underage volunteer acting on behalf of Trading Standards.

The application sought to add the following conditions to the licence in order to assist with the prevention of the sale of alcohol to persons under the age of 18.

- (1) the Designated Premises Supervisor in post on 26th November 2008 should repeat the training required for the granting of the National Certificate for Personal Licence Holders (NCPLH) Level 2;
- (2) a Challenge 21 policy should be introduced and publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy. One notice is to be placed prominently at the entrance to the premises;

- (3) the refusals register is to be completed every time a refusal is made to someone because they appear under 21 in a format agreed by Kent Trading Standards and when a sale is agreed after production of suitable identification;
- (4) the refusal register should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this;
- (5) there should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm they have been trained in relation to sales of age restricted goods. This training should include (but not be limited to):-
 - making all staff fully aware of a Challenge 21 policy;
 - training all staff on the use of a refusals book as described in point three.
- (6) forms of identification which are acceptable as 'proof of age' must be limited to a passport, driving licence (with photo) or 'Pass approved' proof of age card.

Determination

Having taken into account the four licensing objectives, the Council's Licensing Policy and the Statutory Guidance, the Panel resolved that it is necessary for the set conditions set out in 8 (1-6) above to be attached to the Premises Licence.

Close of meeting

The meeting ended at 10.45 am.

Licensing Panel

Tuesday, 14 April 2009

10.00am

Present:

Cllr William Dyke (Chairman)

Cllrs:: Greta Goatley
John Loughlin

Martin Goodman	Corporate Lawyer
Christina Hills	Senior Licensing Officer
Allan Glasson	Senior Environmental Health Officer
Christopher Wakeford	Committee & Scrutiny Assistant

Also in attendance:

Paul Diment	Liquor Licensing Officer (Kent Police)
Clive Selves	Applicant (premises license holder)

9. Declarations of Interest

No declarations were made.

10. Edinburgh Castle, 6 High Street, Northfleet

The Panel considered an application by Clive Selves for the variation of a Premises Licence granted under the Licensing Act 2003 in respect of The Edinburgh Castle, 6 High Street, Northfleet - application reference GM/PRE/08/0018.

The application sought to vary the premises so as to:-

- (i) extend the hour permitted for the sale of alcohol on Monday to Sunday until 02.00 a.m;
- (ii) extend by a further additional hour the permitted hour for the sale of alcohol on Bank Holidays and Christmas and New Years Eve i.e. 03.00 a.m;
- (iii) include the provision of live music Monday until Sunday from 20.00 until 01.00 a.m;
- (iv) include the provision of late night refreshment from 23.00 until 02.00 a.m;

- (v) include the provision of recorded music, the performance of dance and the provision of facilities for dancing in line with the hours requested for the sale of alcohol.

The premises will close at 02.00 a.m.

11. Determination

Having considered all representations from the applicant, responsible authorities and interested parties, the Panel decided to grant the variation application on the terms set out in the letter of the licensing officer dated 3 February 2009 (Appendix D), with the following amendments:-

- the removal of condition 1;
- the following wording be added to condition 13: 'the sale of alcohol will cease at 12:00 midnight';
- 'Discos' be included in condition 16.

Resolved that the application be granted subject to conditions.

Close of meeting

The meeting ended at 10.55 am.

Licensing Panel

Monday, 3 August 2009

10.00am

Present:

Cllr William Dyke (Chairman)

Cllrs: Glen Handley
John Loughlin

Martin Goodman	Corporate Lawyer
Allan Glasson	Senior Environmental Health Officer
Christina Hills	Senior Licensing Officer
Nick Channon	Committee Services Officer
Paul Diment	Liquor Licensing Officer, North Kent Police

Also in Attendance:

Ruth Worthy, Licensee, The Echo Public House

1. Declarations of Interest

No declarations were made.

2. The Echo Public House, 24 Old Road East, Gravesend Kent DA12 1NR

The Panel considered an application by Ruth Worthy to vary the Premises Licence granted under the Licensing Act 2003 in respect of The Echo Public House, 24 Old Road East, Gravesend.

The application sought to vary the Premises Licence to provide the following:-

- (1) include the provision of recorded music on Monday to Sunday from 12.00 until 23.00;
- (2) include the provision of the performance of dance and anything similar on Monday to Sunday from 19.00 until 23.00;
- (3) include the provision of live music on Fridays and Saturdays from 19.00 until 23.00.

The proposed hours that the premises will be open to the public are 10.00 until midnight Monday to Saturday.

Objections were heard from Mrs Pauline Marks acting on behalf of the residents of St Mary's Close and Mr John Foreman of Whitehill Road.

3. Determination

The Panel decided to grant the application provided that the following conditions are complied with:-

- (1) there will be no consumption of alcohol or licensable activity allowed in the outside area at 11pm;
- (2) all live music, karaoke to be controlled by ensuring that all windows and doors are kept closed for the duration of the event other than for the purposes of access and egress;
- (3) all live music, karaoke and amplified voices will only take place inside the premises and there will be no more than 12 events involving live music/karaoke per year;
- (4) prominent, clear and visible notices to be displayed at the exits asking customers to respect the needs of local residents and leave the premises and the area quietly;
- (5) the Designated Premises Supervisor (DPS) is to be present on the premises during trading on Thursday, Friday, Saturday, Sunday and Bank Holidays and special function nights, save for periods of annual leave and sickness. At all other times at least a personal licence holder is to be present;
- (6) a digital CCTV system is to be installed and working after liaising with the Police. CCTV is to cover both internal and external areas at all times, in accordance with the code of practice issued by the Information Commissioner's office. CCTV is to be of evidential quality. If the equipment fails the police and local authority must be informed as soon as possible and immediate steps taken to put the equipment back into service. Recordings are to be maintained for at least 31 days;
- (7) at all times whilst open to the public a member of staff must be able to reproduce recordings at the request of the Police or an authorised person;
- (8) the premises are to have a strict entry and exit policy regarding behaviour;
- (9) a drugs policy is to be agreed with the Police. The premises are to allow police to carry out drugs operations as and when required;
- (10) an incident/report book must be retained and completed every night the premises are open. Details maintained should include numbers of persons present on the premises and all details of staff working. Also names, addresses and phone details in the event of an incident being reported at a later date;
- (11) the DPS is to ensure that all staff members working on the premises are trained and aware of their responsibilities as regard to the law relating to the sale and supply of alcohol. All training is to be documented and all staff must sign after completing this training. This training book is to be shown to the relevant authority as and when required;

- (12) all drinks are to be served in toughened glasses and not taken outside;
- (13) all inclusive or other irresponsible drink related promotions are not be permitted;
- (14) no adult entertainment is to be provided without permission being obtained from the police and licensing authority. This includes events such as organised pole dancing, lap dancing and any events including nudity.

Resolved that the application be granted subject to the conditions set out above.

Close of meeting

The meeting ended at 10.53 am.

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Licensing Panel

Tuesday, 1 September 2009

10.00 am

Present:

Cllr William Dyke (Chairman)

Councillors: Greta Goatley
John Loughlin

Martin Goodman	Corporate Lawyer
Christina Hills	Senior Licensing Officer
Carlie Plowman	Committee and Scrutiny Assistant

Also in Attendance:

Paul Diment	Liquor Licensing Officer, North Kent Police
Richard Strawson	Area Manager, Kent County Council Trading Standards
Sam Goacher	Kent County Council Trading Standards Officer
Lucy Miller	Kent County Council Trading Standards Officer
Mr P Patel	Licence Holder
Mr A Hickman	Legal Advisor (for Licence Holder)

4. Declarations of Interest

No declarations were made.

5. Newsbox Express, 186 Rochester Road, Gravesend, Kent.

The Panel considered an application by Kent County Council Trading Standards for the review of the Premises Licence under Section 51 of the Licensing Act 2003 in respect of Newsbox Express, 186 Rochester Road, Gravesend, Kent, as a grocery store and off-licence – Reference GM/PRE/0506/0170.

The grounds for applying for the review were in order to address the licensing objective ‘protection of children from harm’ and related to a positive test purchase carried out at the premises, where a sale of alcohol was made to an underage volunteer acting on behalf of Trading Standards.

The applicant requested that the following conditions be added to the premises licence:

- (1) Mr Patel (or another person holding a Personal Licence) should at all times be in the shop floor area to personally supervise age restricted sales. If no personal licence holder is available to personally oversee a sale of alcohol then a sale cannot be made.

- (2) A Challenge 25 policy, where all potential purchasers believed to appear to be under 25 should produce acceptable proof of age, should be publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy and this policy should be adhered to in all instances.
- (3) A refusals register is to be completed every time a refusal is made to someone because they appear under 25 in a format to be agreed by Kent Trading Standards.
- (4) The refusals register should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this.
- (5) There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm they have been trained in relation to sales of age restricted goods. This training should include (but not be limited to):-
 - making all staff fully aware of a Challenge 25 policy
 - training all staff on the use of the refusals register as described in point 3
 - training all staff on the age restrictions for each category of product
- (6) Forms of identification which are to be acceptable as "proof of age" must be limited to a passport, full driving licence (with photo – not paper copy or provisional) or "Pass approved" proof of age card.
- (7) CCTV should be made available to view to any officer of Kent Police or Kent Trading Standards on demand and if requested a copy should be produced within 48 hours.
- (8) The Premises Licence should be suspended for 28 days in order to implement these conditions, if they are not adequately in place and documented at the time of the Licensing Panel hearing.

6. Determination

Having taken into account the four licensing objectives, the Council's Licensing Policy and the Statutory Guidance, the Panel **resolved** that conditions 2-8 (set out in minute 5) above be attached to the Premises Licence, with the following amendment to condition one:-

- (1) The Licensee is to arrange training for three further Personal Licence Holders. Mr Patel (or another person holding a Personal Licence) should at all times be in the shop floor area to personally supervise age restricted sales. If no Personal Licence Holder is available to personally oversee a sale of alcohol then a sale cannot be made. This condition is to take effect within six weeks beginning on the day on which the Licensee was notified of the decision of the Licensing Authority.

Close of meeting

The meeting ended at 11.30 am

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