



Licensing Committee

Members of the **Licensing Committee** of **Gravesham Borough Council** are summoned to attend a meeting to be held at the Council Chamber, Civic Centre, Gravesend, Kent on **Tuesday, 2 November 2021 at 7.30 pm** when the business specified in the following agenda is proposed to be transacted.

S Walsh
Service Manager (Communities)

Agenda

Part A

Items likely to be considered in Public

1. Apologies for absence
2. To sign the minutes of the previous meeting (Pages 3 - 6)
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 (Pages 7 - 44)
6. Pavement Licences and Off-Sales of Alcohol - Business and Planning Act 2020. Amendment to Temporary Event Notices under the Licensing Act 2003 (Pages 45 - 48)
7. Any Other Business which by reason of special circumstances the Chair 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.

Part B

Items likely to be considered in private

None

Members

Cllr Steve Thompson (Chair)

Cllr Jenny Wallace (Vice-Chair)

Councillors: Derek Ashenden
 Helen Ashenden
 John Caller
 Emma Elliott
 Brian Francis
 Baljit Hayre
 Leslie Hoskins
 Jordan Meade
 Leslie Pearton
 Tony Rana
 Denise Tiran
 Frank Wardle

Substitutes: To be notified

Licensing Committee**Monday, 13 September 2021****7.30 pm****Present:**

Cllr Steve Thompson (Chair)
Cllr Jenny Wallace (Vice-Chair)

Councillors: Derek Ashenden
 Helen Ashenden
 John Caller
 Brian Francis
 Baljit Hayre
 Leslie Hoskins
 Jordan Meade
 Tony Rana
 Denise Tiran
 Frank Wardle

Mark Lees Regulatory Services Manager
Emily Lane-Blackwell Senior Licensing Officer
Ben Clarke Committee Services Officer (minutes)

7. Apologies for absence

An apology for absence was received from Cllr Emma Elliott.

8. To sign the minutes of the previous meeting

The minutes of the meeting held on Monday, 14 September 2021 were signed by the Chair.

9. 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.

Cllr Baljit Hayre and Cllr Steve Thompson declared non-pecuniary interests as they were both Personal Licence Holders.

10. Condolences

The Chair registered the Committees condolences to the friends and family of Mr Meeka Nijjer, the President of Gravesham's LVA, who sadly passed away last year.

11. Review of Gambling Policy 2022-2025

The Committee was presented with a draft of the revised statement of licensing policy under the Gambling Act 2005 and the proposed consultation methodology.

The Senior Licensing Officer advised that section 349 of the Gambling Act 2005 required a Licensing Authority to prepare and publish a Statement of its Licensing Policy every three

years. The majority of the proposed changes made to the revised Gambling Policy were of a minor or administrative nature to reflect changes in the wording of the GLA or for the sake of greater clarity/accuracy.

A section was added to the policy in relation to Small Society Lottery Registrations, which clarified the process the Council would take should a registration be refused or cancelled. That could be found under Appendix 3 of the policy.

It was proposed that the revised policy would come into effect on 31 January 2022 and remain valid for a period of three years, until 30 January 2025, unless it became necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.

The Committee was informed of the previously agreed 'No Casino Resolution' at Full Council on 18 December 2018 and it was recommended that Members renewed the Council's no-casinos resolution for a further three-year period.

The Senior Licensing Officer advised that a 4-week consultation was proposed, commencing no later than 14 September 2021. Methods of consultation would be via the Council's website and notice board, and by direct email and mail shots.

Members were informed that the report would be brought back to Licensing Committee on 02 November 2021 for further consideration and then presented to Full Council for approval on 07 December 2021 and subsequent publication.

The Committee agreed to the Small Society Lottery guidance being included within the Gambling Policy for 2022-25.

Concern was raised by Members that not enough consideration had been given to the possibility of having a casino and there needed to be a discussion on the positives/negatives of a casino instead of just a formal resolution banning casinos from Gravesham.

In response to Members questions concerning the 'No Casino Resolution', the Senior Licensing Officer and the Regulatory Services Manager explained that:

- As Gravesham had a 'No Casino Resolution' in place for the last three years there had been no applications received for the operation of a casino in Gravesham
- The Gambling Act restricted the amount of casinos allowed in the UK; there could only be eight large and eight small casinos in operation at any one time and they had all been permitted across various towns/cities. As such, if the 'No Casino Resolution' wasn't in effect and an application was received it would still have to be refused due to the maximum limit of casinos having been met
- To allow a small casino to operate in Gravesham would mean that one of the current operators would have to give up their licence and then operators would be invited to apply in Gravesham. It was very unlikely that an operator would give up an existing licence as their casinos were set up and profitable
- The Senior Licensing Officer was not aware of illegal gambling establishments or underground casinos within Gravesham

Cllr Meade requested that the Senior Licensing Officer circulate information to the Committee informing Members of the neighbouring authority's stance on casinos. If there

was a legislative void, then Kent local authorities could apply pressure on the Government together to request amendments to the Gambling Act.

The Chair agreed and asked the Senior Licensing Officer to contact neighbouring local authorities for information regarding their stance on casinos and the resolutions they had in place.

In response to a Members comment asking to consider applications on their merits, the Chair reiterated that applications could not be accepted as the national limit for casinos had been reached; the Council would have to lobby the Government to change the Gambling Act if more casinos were desired.

Following a discussion, the Chair proposed that if Members wanted to have a debate on the prospect of Gravesham allowing casino applications to be submitted then the three political groups should meet outside of the meeting to discuss their views on the issue and then call in the minutes of this meeting to the next Full Council meeting where an in-depth debate could be had with all Members of the Council.

In response to Members questions concerning the remainder of the Policy, the Senior Licensing Officer and Regulatory Services Manager explained that:

- Gaming machines could only be in licensed premises that had a bar; they could not be placed in take aways or in restaurants without a bar. Bars could have two gaming machines in their premises but there were codes of practice that had mandatory conditions, enforced through the Gambling Commission that bars had to abide by. The safeguarding rules for children were covered through those mandatory conditions; an example being that all the gaming machines had to be visible from the bar so that no one under eighteen was able to gamble on them
- Bars could have class D machines in their premises such as the sort found in family amusements centres (coin pushers/arcade games) but bars did not want to cater to children which is why adult gambling machines were only in bars/pubs
- In gambling legislation, the Council was responsible for licensing the premises not the individual so the Council could not mandate that an individual had to do certain courses such as child safeguarding/exploitation to become licensable. In terms of Challenge 21/25, they were alcohol related schemes and did not apply to gambling premises; the equivalent of those schemes would be having requirements for premises to have information on what services/charities were readily available for gambling addicts
- The Kent and Medway Licensing Steering Group had a wide pool of attendees; all Kent Councils were represented as well as Medway Council, typically Licensing Managers and senior officers. Kent Police, Kent Fire & Rescue, public health officials (mainly Medway Public Health), SIA and Trading Standards were also represented
- Local authorities had no control over online gambling as it was entirely overseen by the Gambling Commission; as per a Members suggestion the Council could signpost website users to support groups/charities for gambling addiction and use the website as a method of raising awareness of the potential dangers to excessive gambling. The Committee could support the addition of those signposting documents but it was most likely a corporate decision

Cllr Meade referenced a piece of LGA guidance he had read recently that encouraged Councils to put in safeguarding stipulations in licences that covered gambling premises and put an emphasis on safeguarding protections such as staff being trained to spot signs of

child sexual exploitation. Cllr Meade felt that if other licensable premises were asked to have safeguarding conditions then gambling premises should also be included to further remove the risk of child sexual exploitation.

The Chair asked that Cllr Meade send the LGA guidance to the Senior Licensing Officer, and copy in the Chair, so that it could be reviewed for inclusion in the policy. If it was deemed inappropriate for the Policy, then a broader definition of safeguarding could be included in the policy.

Cllr Meade requested that Kent and Medway's Licensing Steering Group compliance protocol be included as an annex to the policy. The Chair agreed to the request.

Following a discussion regarding the insertion of a clause into the policy, it was agreed that a clause be inserted into the policy saying that the Council expected gambling operators to have services for gambling addiction advertised online/in their premises and in support of this the Council would use the website to signpost people to relevant gambling addiction services/charities. The Senior Licensing Officer would confirm the correct wording of the clause. The Chair advised that the issue could be spoken about in depth, as an agenda item, at a future Licensing Committee meeting.

The Chair requested that Gravesham LVA be included in the list of consultees for the Gambling Policy 2022-25.

Resolved that Members noted the policy consultation process as outlined and asked officers to proceed with the same.

Close of meeting

The meeting ended at 20:08pm.

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Management Team and Licensing Committee

Date: 19 October 2021

2 November 2021

Reporting officer: Emily Lane-Blackwell, Senior Licensing Officer

Subject: Review of Statement of Licensing Policy under the Gambling Act 2005

Purpose and summary of report:

To feedback to Members on the responses received during the public consultation on the review of the Gravesham Borough Council Statement of Licensing Policy under the Gambling Act 2005

Recommendations:

1. That members recommend that Full Council approve the updated draft Statement of Licensing Policy.
2. That members recommend that Full Council ratify the existing no-casinos resolution for a further three years.

1. Background

- 1.1 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Policy every three years. Such a policy must be published before the authority carries out any function in respect of applications made under the 2005 Act.
- 1.2 The current Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 18 December 2018 and was published on 3 January 2019. A new policy will therefore need to be adopted by Full Council on 7 December 2021 and published no later than 3 January 2022.
- 1.3 At its meeting of 18 December 2018, Full Council also approved a 'no-casinos' resolution as allowed under Section 166 of the Gambling Act 2005.
- 1.4 On 7 December 2021, Council will need to decide whether to ratify the 'no-casinos' resolution for a further three years so that it can be included in the new policy.

2. Draft Statement of Licensing Policy

- 2.1 A draft Statement of Licensing Policy was drawn up as shown at **Appendix 2**.
- 2.2 The changes made to the revised Statement of Licensing Policy shown at Appendix 2 were mostly of a minor or administrative nature to reflect changes in the wording of the current edition of the statutory 'Guidance to Licensing Authorities' (GLA) or for the sake of greater clarity/accuracy.
- 2.3 A section was added to the policy to clarify the Council's process for when a small society lottery registration is either refused or cancelled.
- 2.4 Specific mention of a 'no- casinos' resolution is made within section 8 of the draft policy and the consultation advertisement drew attention to this particular point.
- 2.5 At their meeting on 13 September 2021, the Licensing Committee considered the draft policy and proposed consultation process as outlined in the report. Officers were asked to proceed with the same, subject to the following actions/amendments:
 - 2.5.1 That the Policy clarifies that the council will expect applicants to demonstrate, amongst other things, that staff are appropriately trained in safeguarding awareness, including in relation to CSE, and that associated materials are made available on site.
 - 2.5.2 The consultees list includes the local Licensed Victuallers Associated.
 - 2.5.3 The Kent and Medway Licensing Steering Group Enforcement Protocol referred to within the Statement of Gambling Policy is included within the appendices of the Policy.
 - 2.5.4 Officers establish which other local authorities in Kent and Medway have a no-casinos resolution and report this back to the Committee.
 - 2.5.5 Officers seek to digitally signpost service users to gambling help and support services, make reference to this within the Policy, and seek to establish which other Kent and Medway councils do the same.
- 2.6 The first two requested amendments and actions were duly carried out.
- 2.7 Enquiries with all Kent and Medway licensing authority colleagues indicated that only one other authority was aware of the enforcement protocol, and that Gravesham were the only council still referring to it. In light of this, and given the outdated nature of the protocol, it was agreed by the Chair of the Licensing Committee that the Kent and Medway Licensing Steering Group Enforcement Protocol would not be included within the Statement of Gambling Policy and that all reference to it would instead be removed.
- 2.8 Section 5 of this report relates to the no-casinos resolution and contains officer findings relating to paragraph 2.5.4.
- 2.9 With regard to 2.5.5, a new webpage has been added to the Gambling Licensing pages of the council's website which signposts service users to established treatment and support groups, as well as the NHS Help for Problem Gambling page.

3. Consultation

- 3.1 The Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 14 September 2021 and ran for 4 weeks until 12 October 2021.
- 3.2 Consultees and consultation mechanisms were as previously outlined to the Committee.

4. Evaluation of Responses

- 4.1 We received just one response to our consultation. This was from Gambleaware, their response was not specific to our policy, just advisory. Gambleaware is one of the charities that we have signposted the public to for any problem gambling concerns or issues.

5. No Casinos Resolution

- 5.1 All the Kent and Medway Councils were contacted asking if they had a No Casino Resolution in place, Only one response was received. I therefore carried out my own research to check each Council's Statement.
- 5.2 Do the following Councils have a 'No Casino Resolution'?
 - 5.2.1 Ashford – No
 - 5.2.2 Canterbury – Yes
 - 5.2.3 Dartford – No
 - 5.2.4 Dover – No
 - 5.2.5 Folkstone and Hythe – No
 - 5.2.6 Maidstone – No
 - 5.2.7 Medway – No
 - 5.2.8 Sevenoaks – No
 - 5.2.9 Thanet – No
 - 5.2.10 Tonbridge and Malling – No
 - 5.2.11 Tunbridge Wells - No
- 5.3 Thanet is the only Council that licences a casino. They have three within their area that are all converted from the 1968 Act.
 - 5.3.1 Converted casino licences can be relocated, but only within the same borough that originally granted the licence.
- 5.4 Under the Gambling Act 2005, no more than eight large and eight small casino premises are permitted.
 - 5.4.1 The large casino licences are held in:

- 5.4.1.1 Great Yarmouth;
- 5.4.1.2 Kingston Upon Hull;
- 5.4.1.3 Leeds;
- 5.4.1.4 Middlesbrough;
- 5.4.1.5 Milton Keynes;
- 5.4.1.6 London Borough of Newham;
- 5.4.1.7 Solihul; and
- 5.4.1.8 Southampton

5.4.2 The small casino licences are held in:

- 5.4.2.1 Bath and North East Somerset;
- 5.4.2.2 East Lindsey;
- 5.4.2.3 Luton;
- 5.4.2.4 Scarborough;
- 5.4.2.5 Swansea;
- 5.4.2.6 Torbay;
- 5.4.2.7 Wigtown (Dumfries and Galloway; and
- 5.4.2.8 Wolverhampton

5.5 On the Gambling Commission's public register there are 54 non-remote casino licences issued across the country.

5.6 With regards to the consultation for a No Casino Resolution in Gravesham, we received no responses.

6. Recommendations

6.1 It is recommended:

6.1.1 That members recommend that Full Council approve the updated draft Statement of Licensing Policy.

6.1.2 That members recommend that Full Council ratify the existing no-casinos resolution for a further three years

7. BACKGROUND PAPERS

7.1 None

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act. The Policy will last for a 3 year period, but can be reviewed at any time during that period.
Finance and Value for Money	The cost of consultation and publishing an updated policy was met from within existing budgets. The Statement of Licensing Policy under the Gambling Act 2005 will not place any new financial resource implications on the Council
Risk Assessment	<p>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 2022, as required, may lead to negative publicity and criticism from central government.</p> <p>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 co-operation with the other licensing authorities within Kent.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	<p>There are direct links to Corporate Objective 1 - People</p> <p>Enforce high regulatory standards: put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.</p>
Climate Change	N/A

<p>Crime and Disorder</p>	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Gambling Act 2005 are:</p> <p>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</p> <p>Ensuring that gambling is conducted in a fair and open way.</p> <p>Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>As a member of the Kent and Medway Regulatory Licensing Steering Group we support a partnership approach to licensing enforcement. This also directly reflects Section 17 requirements.</p>
<p>Digital and website implications</p>	<p>Minor website updates will be required.</p>
<p>Safeguarding children and vulnerable adults</p>	<p>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 Gambling Act 2005. The 3rd licensing objective is Protecting children and vulnerable persons from being harmed or exploited by gambling.</p>

Statement of Licensing Policy

Gambling Act 2005

2022-25

31 January 2022 – 30 January 2025

Contents

Section	Item	Page
1	The Licensing Objectives	1
2	Introduction	1
3	Consultation	1
4	Declaration	2
5	The Borough of Gravesham	2
6	Operators and Local Risk Assessments	3
7	Local Area Profile	4
8	Casinos	4
9	Functions	5
10	Responsible Authorities	6
11	Interested Parties	6
12	Exchange of Information	7
13	Enforcement	7
14	Gambling Support Services	8

The appendices that follow form part of this Policy Statement

Appendix 1	Permits	9
	Unlicensed Family Entertainment Centre Gaming Machine Permits	9
	(Alcohol) Licensed Premises Gaming Machine Permits	10
	Prize Gaming Permits	11
	Club Gaming and Club Machine Permits	12
	Fast Track Procedure	12
Appendix 2	Premises Licences	14
(i)	Decision Making – General	14
(ii)	“Premises”	15
(iii)	Location	16
(iv)	Planning	16
(v)	Duplication	16
(vi)	Door Supervisors	16
(vii)	Licensing Objectives	17
(viii)	Reviews	17
(ix)	Provisional Statements	18
(x)	Adult Gaming Centres	18
(xi)	(Licensed) Family Entertainment Centres	19
(xii)	Tracks	19
(xiii)	Bingo	19
(xiv)	Temporary Use Notices	19
(xv)	Occasional Use Notices	19
(xvi)	Travelling Fairs	19
Appendix 3	Small Society Lotteries	21
Appendix 4	Responsible Authorities Contact Details	23
Appendix 5	List of Persons/Bodies Consulted	24
Appendix 6	Summary of Gaming Machine Entitlements By Premises	25
Appendix 7	Summary of Licensing Authority Delegations	26
Appendix 8	Glossary of Terms	27
Appendix 9	Gamcare Contact Details	30

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:

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

This Licensing Authority is aware that, as per Section 153, in exercising its functions under Part 8 of the Act it should aim to permit the use of premises in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Authority's Statement of Licensing Policy

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 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 is an updated version of that originally formulated by the Kent & Medway Regulatory Licensing Steering Group.

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 Gambling Commission Guidance, principally the Guidance to Licensing Authorities, and will give appropriate weight to the views of those it has consulted.

3. Consultation

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.

Gravesham Borough Council consulted widely on this policy statement, between 14 September 2021 to 12 October 2021, before finalising and publishing it. The full list of persons this authority consulted is provided at Appendix 5.

In determining its Statement of Licensing Policy the licensing authority must have regard to the Gambling Commission's guidance for local authorities, and having regard to that guidance will give appropriate weight to the views of those it has consulted. In determining what weight to give to particular representations, the factors to be taken into account included:

- who is making the representation (what is their expertise or interest);
- relevance of the factors to the licensing objectives;
- how many other people have expressed the same or similar views;
- how far the representation relates to matters the licensing authority should be including in its Statement of Licensing Policy.

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 are available to view on the council's website.

The policy was approved at a meeting of the Full Council on (due 7 December 2021) and published on the council's website and in the Civic Centre on 3 January 2022.

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.

4. 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 issued by the Gambling Commission and any responses from those consulted on the policy statement.

5. The Borough of Gravesham

Gravesham Borough Council maintains a [Community Profile](#) on its website.

The Gravesham Community Profile is a resource for users to explore key statistical information about the borough and its community.

The findings from this data help us understand the type and scale of local community need. That knowledge forms part of the evidence base with which to design our

Corporate Plan, and associated policies, and enables us to make fully informed decisions when planning effective service interventions.

Profiling is a continuous process as the council seeks to identify any emerging trends within the community. The information outlined in these pages will therefore be reviewed on a regular basis to ensure the latest and most accurate data is captured for analysis and service planning.

For more information please [visit our website](#) or view the full [Community Profile](#) document.

6. Operators and Local Risk Assessments

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a licensing authority area is required to apply for a premises licence that is specific to those particular premises.

All operators are required to comply with conditions attached to both their operator and individual premises licences, and with the Commission's social responsibility code of practice provisions, which have the force of licence conditions.

They are also expected to comply with ordinary code provisions, which are intended to set out best industry practice, unless they have alternative arrangements in place that they can demonstrate are equally effective. Ordinary code provisions do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

The Licence Conditions and Codes of Practice sets out the Gambling Commission's general licence conditions and associated code of practice provisions.

In April 2015, significant new responsibilities for operators were introduced in relation to their local premises which aim to improve the exchange of information between licensing authorities and operators:

- Social Responsibility code 10.1.1 requires operators of premises-based businesses to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks; taking into account relevant matters identified in the licensing authority's statement of licensing policy; and
- Ordinary Code 10.1.2 states that licensees should share their risk assessments with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

As part of their requirements under social responsibility code provision 10.1.1, operators must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;

- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

Both of these provisions (social responsibility code 10.1.1 and ordinary code 10.1.2) came into force on 6 April 2016.

This licensing authority has consequently required these risk assessments to be submitted for all gambling premises applications for new and variation applications, or otherwise upon request, from this date. Operators will therefore need to ensure that their local risk assessments are kept on the premises to enable it to be produced to an authorised officer upon request and to ensure that staff have access to, and are familiar, with it.

7. Local Area Profile

The draft guidance suggests that, like operators, licensing authorities complete and map their own assessment of local risks and concerns, by developing local area profiles to help shape their statements; although there is no requirement to do this.

In simple terms, the objective of a local area profile in this context is to set out what an area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

Licensing authorities may wish to include local area profiles within their statements. Alternatively, they can reference the implications of local area profiles for their regulatory approach in the statement, but maintain the actual profiles separately in order to enable them to be updated without the need to re-consult on amending the full statement of principles.

Gravesham's area is subject to ongoing change and development. It is not therefore considered appropriate to include a local area profile within the body of this policy as this would only represent a snapshot of its profile at a given point in time and require re-consultation whenever updated.

At the time of publishing this document, this Licensing Authority does not have evidence suggesting any specific issues within its area or sufficient data with which to produce a suitably detailed local area profile. If the need to develop a local area profile arises, this will be done outside the scope of this document and updated as appropriate. Any local area profile will be available to view alongside this policy on the council's website www.gravesham.gov.uk

8. Casinos

Section 175 of the Gambling Act 2005 restricts the number of small casinos, to have effect at any one time, to 8 across the whole of Great Britain. This licensing authority did not submit a proposal for a premises licence for a small casino.

Section 166 of the Gambling Act 2005 gives a Licensing Authority the ability to resolve not to issue casino premises licences. This licensing authority passed a 'no casino'

resolution at a meeting of Full Council on 4 December 2012, 8 December 2015, 18 December 2018 and (due 7 December 2021).

9. Functions

The following functions are under the responsibility of the Licensing Authority

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

The following functions are the responsibility of the Gambling Commission

- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

10. 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 Safeguarding Children multi-agency partnership
Room 2.71, 2nd Floor
Sessions House
County Hall
Maidstone
ME14 1XQ

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available in Appendix 4 and via the Council's website at: www.gravesham.gov.uk

11. 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);
- the nature of the complainant. (not the personal characteristics, 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.

It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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.

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 they should contact the Council's Democratic Services section (committee.section@gravesham.gov.uk).

12. Exchange of Information

The Guidance requires local authorities to include a section within their Statement of Policy which sets out, "the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act."

In holding and exchanging information with other bodies during the exercise of its functions under the Act this licensing authority will act in accordance with the provisions of the Act, the Data Protection principles as set out in the General Data Protection Regulation, Data Protection Acts, and its duties under the Freedom of Information Act 2000.

This licensing authority will also 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

Any protocols established with regard to information exchange with other bodies will be made available.

13. Enforcement

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

This licensing authority's principles are that it will:

- Act in accordance with the relevant legislation and guidance from the Gambling Commission;
- Adopt the principles of better regulation set out in the Regulators' Code; and

- Endeavour to avoid duplication with other regulatory regimes so far as possible

In doing so, this authority 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

Additionally, this authority recognises the importance of not placing unnecessary regulatory burdens upon businesses and will aim to carry out its regulatory activities in a way that supports compliance and growth.

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 it authorises.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

14. Gambling support services

The Licensing Authority recognises the risks associated with problem gambling. In order to assist vulnerable people, those at risk or those otherwise in need of professional support, the council will provide links and signposting to support services through its digital media channels, e.g. the council website.

Contact details for GamCare are also provided in appendix 9 of this Policy.

Appendix 1 - Permits

This appendix outlines factors to be taken into account when considering applications for permits.

Unlicensed Family Entertainment Centre Gaming Machine Permits issued under Schedule 10

Where a premises does not hold a Premises Licence but wishes to make Category D gaming machines available for use, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making Category D gaming machines available for use.

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.

For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Commission’s Guidance for local authorities states: “In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits.’ ‘Licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling.”

The Gambling Commission’s 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.”

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling, but includes wider child protection considerations.

The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training and access to associated materials on site for all staff, including in relation to child sexual exploitation; and
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises

The Licensing Authority will also expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- 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 full understanding of the maximum stakes and prizes (full, up to date details, are available on the Gambling Commission website - <https://www.gamblingcommission.gov.uk/home.aspx>)

Statement of Principles: This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- Appropriate measures and training for staff as regards suspected truant school children on the premises;
- Measures and training covering how staff would deal with unsupervised very young children being on the premises;
- Children causing perceived problems on and or around the premises; and
- Safeguarding awareness training.

With regard to renewals of these permits, the 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.

Automatic Entitlement for Alcohol licensed premises

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically be able to make available two gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority with the accompanying fee.

The Licensing Authority may make an order disapplying the automatic entitlement 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 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

Licensed Premises Gaming Machine Permits issued under Schedule 13

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority will 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. We 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. Premises should be configured so that children are not invited to

participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.

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

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

Prize Gaming Permits issued under Schedule 14

Prize gaming is where the prize is not determined by the number of persons playing or the amount paid for or raised by the gaming.

It is expected that a premises that holds this type of permit will particularly appeal to children and young persons. In considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training and access to associated materials on site for all staff, including in relation to child sexual exploitation;
- A basis criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises.

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have full understanding of the maximum stakes and prizes (full, up to date details, are available on the Gambling Commission website - <https://www.gamblingcommission.gov.uk/home.aspx>); and
- that the gaming offered is within the law.

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

The Gambling Act 2005 attaches mandatory conditions to all prize gaming permits. The Licensing Authority cannot attach conditions.

The mandatory conditions are as follows:

The limits on participation fees, as set out in regulations, must be complied with;

- that 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.

Club Gaming and Club Machines Permits issued under Schedule 12

Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit. Members' Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit.

The Club Gaming Permit will enable the premises to provide:

- Up to three gaming machines of categories B, C or D;
- Equal chance gaming; and
- Games of chance as set out in regulations.

A Club Machine Permit will enable the premises to provide up to three machines of categories B, C or D.

The 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 restricted to bridge and whist but there is no need for a club to have an alcohol licence.

The Licensing Authority is aware that it may refuse an application on one or more of the following grounds:

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

Fast Track Procedure

There is a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's 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 grounds upon which an authority can refuse a permit are reduced”.

The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Appendix 2 – Premises Licences

Decision making

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

The 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 is:

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

Any conditions attached to licences by the Licensing Authority will be proportionate and will be:

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

Decisions upon individual conditions will normally be made on a case by case basis relying on mandatory and default conditions. Although there will be a number of measures, the Licensing Authority may consider utilising the examples above where the local circumstances or specific risks make it appropriate; such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below.

The Licensing Authority will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively. An applicant for a licence will need to specify what supervision is proposed for the area where machines are sited and to clarify how supervisors will be trained to recognise vulnerable adults.

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

The Licensing Authority will ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

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

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

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.

“Premises”

Premises are defined in the Act as “any place”. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it “will depend on the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Commission's Guidance on the division of premises and access between premises.

The Licensing Authority takes particular note of the 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 or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling;
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

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

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Licensing Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location

The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission’s Guidance for local authorities, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be considered there would be a consultation and any such policy would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission’s 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, building and other regulations and must not form part of the consideration for the premises licence. Section 210 of the Gambling Act 2005 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.”

Duplication

As per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

Door Supervisors

The Gambling Commission’s Guidance advises 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.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

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.

The Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises are also licensed under the Licensing Act 2003, door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

Licensing objectives

The Licensing Authority has considered the Commission's Guidance to local authorities in respect of 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;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause the Licensing Authority to wish to alter, revoke or 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.

Provisional Statements

The Licensing Authority notes the Guidance from the Gambling Commission which states:

“S.204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered;
- Expects to acquire a right to occupy. “

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances.

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

- Which could not have been raised by objectors at the provisional licence stage;
- Which in the authority’s opinion reflect a change in the operator’s circumstances;
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

Adult Gaming Centres (AGC)

The Licensing Authority particularly notes the Commission’s Guidance which states: “No-one under the age of 18 years of age 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.”

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

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

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

Family Entertainment Centres (FECs)

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

The Licensing Authority will, as per the Gambling Commission's 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.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices or signage;
- Specific opening hours;
- Self-barring schemes;
- 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; and
- Safeguarding awareness training and access to associated materials on site for all staff, including in relation to child sexual exploitation;

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

Tracks

The Licensing Authority is aware that the Gambling Commission may provide specific Guidance as regards tracks. The Licensing Authority shall have regard to this Guidance in the discharge of its functions.

Bingo

The Licensing Authority will have regard to the Gambling Commission's Guidance.

Temporary Use Notice (TUN)

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).

Occasional Use Notice (OUN)

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 need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Travelling Fairs

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use

at travelling fairs and that 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 its boundaries is monitored so that the statutory limits are not exceeded.

Small Society Lotteries

Under the Gambling Act 2005 a lottery is unlawful unless it runs under an operating licence or is an exempt lottery.

Promoting or facilitating a lottery will fall into two categories:

- Licensed lotteries (requiring an operating licence from the Gambling Commission)
- Exempt lotteries (including small society lotteries registered with a local authority)

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

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Resident' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website.

All tickets in a small society lottery registered with a local authority must state:

- The name of the promoting society;
- The price of the ticket, (which must be the same for all tickets);
- The name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries; and
- The date of the draw, or information which enables the date to be determined.

Tickets that are issued through a form of remote communication or any other electronic manner must specify the information above to the purchaser of the ticket and ensure that the message can be either retained (saved) or printed.

Lottery tickets must not be sold to, or by, those under the age of 16.

Small Society Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand.

The Gambling Commission's Guidance notes that licensing authorities may only refuse an application on the grounds that:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused within the past five years;
- The society in question cannot be deemed non-commercial;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, as listed in Schedule 7 of the Gambling Act 2005; and
- Information provided in or with the application for registration is found to be false or misleading.

This licensing authority will inform the society of the reasons for refusal and allow them a period of 2 weeks to submit representations. A decision will then be reached and the society will be notified.

A licensing authority may also determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The society would be informed of the preliminary decision to revoke the registration and allow time for representations. After this period of 2 weeks, a decision will be formally made and the society notified.

Appendix 4

Responsible Authorities Contact details:

Gravesham and Medway Shared Licensing Service
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU
licensing@gravesham.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
www.gamblingcommission.gov.uk
info@gamblingcommission.gov.uk
01212 306500

North Kent Police Licensing
Medway Police Station
Purser Way
Gillingham
Kent
ME7 1NE
licensing.north.division@kent.pnn.police.uk
01634 792733

West Kent Fire Safety Office
Dartford Fire Station
Watling Street
Dartford
Kent
DA2 6EG
www.kent.fire-uk.org
licensing@kent.fire-uk.org
01322 224229

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

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

Kent Safeguarding Children multi-agency partnership
Room 2.71
Sessions House
County Hall
Maidstone
ME14 1XQ
kscmp@kent.gov.uk
03000 421126

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
NRUBetting&Gaming@hmrc.gsi.gov.uk
Tel: 0300 322 7072 (option 7)

List of Consultees

- All Ward Councillors
- Parish Councils
- All bodies designated under s.157 of the Act as Responsible Authorities
- Kent County Council Trading Standards
- Association of British Bookmakers
- National Casino Forum
- British Amusement Catering Trade Association
- Bingo Association
- The British Horseracing Authority Limited
- The Greyhound Board of Great Britain
- British Beer and Pub Association
- British Institute of Innkeeping
- Gamblers Anonymous UK
- Gamcare
- Be Gamble Aware
- National Problem Gambling Clinic
- Responsible Gambling Trust
- Samaritans
- Citizen Advice Bureaux
- Gordon Moody Association
- The Grand
- B Smith
- Coral
- Ladbrokes
- Power Leisure Bookmakers Ltd (Paddy Power)
- Betfred
- Luxury Leisure
- Megabet UK Ltd
- Licensed Victuallers Association
- The General Public

Machine Entitlements

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Licensed family entertainment centre³						No limit on category C or D machines	
Family entertainment centre (with permit)³						No limit on category D machines	
Clubs or miners' welfare institute (with permits)⁴					Maximum of 3 machines in categories B3A or B4 to D		
Qualifying alcohol-licensed premises					1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)					Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines	

¹Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight¹⁰⁴ category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

²Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

Delegations

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)			Delegated to officers
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	
Cancellation of Small Society Lottery Registration			X

Glossary of terms

Adult Gaming Centre – AGC's

Adult gaming centres are a 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 licences 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

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:

- 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.

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.

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 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 to provide gaming machines (3 machines of Category B, C or D), equal chance gaming and games of chance.

Club 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

Family Entertainment Centre, licensed or unlicensed but operating with a permit may provided 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 need 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 holds 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 are 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

GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. They operate the National Gambling Helpline, provide treatment for problem gamblers and their families, create awareness about responsible gambling and treatment, and encourage an effective approach to responsible gambling within the gambling industry.

GamCare can be contacted on their **Freephone Helpline 0808 8020 133** 24 hours a day, 7 days a week.

You can also access online support such as live chats, groups chats and Gamcare forum on their website. Please visit www.gamcare.org.uk

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Management Team and Licensing Committee

Date: 19 October 2021

2 November 2021

Reporting officer: Emily Lane-Blackwell, Senior Licensing Officer

Subject: Pavement Licences and Off-Sales of Alcohol - Business and Planning Act 2020. Amendment to Temporary Event Notices under the Licensing Act 2003.

Purpose and summary of report:

This report provides an update on the provisions of the Business and Planning Act 2020 relating to pavement licences and associated off-sales of alcohol, and temporary amendments made to the Licensing Act 2003 with regard to Temporary Event Notices.

Recommendations:

1. That Members note the content of the report.

1. Background

- 1.1 On 25 June 2020 the Government introduced the Business and Planning Bill into the House of Commons. Within just four weeks, and following a series of amendments, the Bill received Royal Assent on 22 July.
- 1.2 The provisions of the Business and Planning Act 2020, which seek to promote economic recovery and growth, came into effect immediately and included:
 - 1.2.1 The introduction of a new, temporary, fast-track process for businesses selling (or proposing to sell) food and drink to obtain a 'Pavement Licence' from their local authority for the placement of furniture, such as tables and chairs, on the pavement outside their premises.
 - 1.2.2 An associated amendment to the Licensing Act 2003 to allow premises with a licence authorising 'on-sales' only (sales of alcohol for consumption on the premises) to automatically have 'off-sales' added to their licence.
- 1.3 Both provisions were intended to be temporary only until 30 September 2021.
- 1.4 These provisions have since been extended to 30 September 2022.
- 1.5 The key elements of the Act relating to pavement licences and off-sales, as set out in associated Government Guidance, are set out below.

2. Pavement Licences

- 2.1 The Act introduced a new legal framework for local authorities to issue pavement licences, which will enable food and drink businesses to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink, or for people to sit at to consume food and drink.
- 2.2 All new licences were initially granted for a three month period, however in March 2021 the decision was made to extend all existing licences to expire on 30 September 2021 following guidance from the Secretary of State.
- 2.3 The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 extended the temporary pavement licence provisions to 30 September 2022.

3. Off-sales of alcohol

- 3.1 The automatic addition of 'off sales' to premises licences, and relaxation of some existing associated licence conditions, were temporary measures that would have ended on 30 September 2021.
- 3.2 The Regulations also extend this to 30 September 2022.

4. Delegation

- 4.1 In accordance with the Council's Constitution, the discharge of such licensing functions have been delegated to the Planning Committee by Full Council.
- 4.2 On 2 September 2020, Planning Committee delegated authority to the Director (Communities) to exercise the council's functions and powers in relation to pavement licences under the Business and Planning Act 2020 or any legislation replacing or amending the same or any regulations made thereunder.
- 4.3 These delegations remain in place.

5. Temporary Event Notice (TEN) amendments

- 5.1 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 were brought in to amend the number of TENs a single premises can be given in a calendar year.
- 5.2 Under the current regulations premises can hold 15 event notices covering up to 21 days.
- 5.3 The new regulations permit a premise to hold 21 events covering up to 26 days.
- 5.4 The easement is currently in place for years 2022 and 2023 only.

6. BACKGROUND PAPERS

- 6.1 Report to Licensing Committee dated 14 September 2020

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	As set out above
Finance and Value for Money	<p>The Council can, currently, charge a fee of up to £100 for each pavement application under the Act. Given the low level of the fee, and the time taken in setting up the new regime, processing applications, and regulating, the application fee has been set at the maximum permitted level.</p> <p>There is currently no specific budget for setting up/implementing/regulating the new pavement licensing regime. All efforts will be made to keep any costs within existing budgets so there is currently no anticipated adverse impact on the MTFP. The situation will be duly reviewed during the annual budget review/setting process.</p>
Risk Assessment	<p>Appropriate delegations have been put in place to enable the council to exercise the functions and powers in relation to pavement licences. As the new off-licence provisions are introduced by way of amendments to the Licensing Act 2003, existing officer delegations are already suitable.</p> <p>The new provisions provide powers to councils to take action against licence holders where problems arise.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? No</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	<p>There are direct links to all three Objectives: #1 People, #2 Place and #3 Progress.</p>
Climate Change	<p>There are no direct links to climate change</p>

<p>Crime and Disorder</p>	<p>Licensing regimes are designed to regulate licensable activities in such a way as to support the prevention/reduction of crime and disorder through the imposition of permissible conditions and appropriate enforcement.</p>
<p>Digital and website implications</p>	<p>The Licensing and Digital Teams have already created the webpages and online application/notification forms with fee payment and document upload facilities as necessary to assist service users and allow online/electronic applications to be made in a reliable and efficient way, that is consistent with many of the councils other online licensing application forms. This also satisfies Section (2)(1)(b) of the Act which requires applications for pavement licences to be sent to the authority using electronic communications.</p> <p>We will also work together to get the TENs guidance updated and ready to change for the end of the year.</p>
<p>Safeguarding children and vulnerable adults</p>	<p>Whilst there are no specific elements of the pavement licence regime relating to the safeguarding of children and vulnerable adults, licensing regimes in general provide a means of regulating, which links in with safeguarding duties and responsibilities.</p> <p>The Licensing Act 2003</p>