



# Agenda

## Licensing Committee

Tuesday, 26 July 2022 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 4 )

Cllrs Bridge (Chair), Barber (Vice-Chair), Dr Barrett, Cuthbert, Fryd, Gelderbloem, Jakobsson, Laplain, Mynott, Parker, Wiles and Tanner

### Substitute Members

Cllrs Barrett, Cuthbert, Heard, Mrs Hones, Mrs Pearson and Sankey

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### Agenda

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### Live broadcast

[Live broadcast to start at 7pm and available for repeat viewing.](#)

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A handwritten signature in black ink on a light blue background. The signature is cursive and reads "J. Stephenson".

Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
18.07.2022

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### Information for Members

#### Substitutes

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The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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#### Rights to Attend and Speak

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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### Information for Members of the Public

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#### Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

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#### Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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  **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

 **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



## Minutes

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**Licensing Committee**  
**Tuesday, 28<sup>th</sup> June, 2022**

### **Attendance**

Cllr Bridge (Chair)  
Cllr Barber (Vice-Chair)  
Cllr Cuthbert  
Cllr Fryd  
Cllr Mrs Gelderbloem

Cllr Jakobsson  
Cllr Laplain  
Cllr Mynott  
Cllr Parker  
Cllr Wiles

### **Apologies**

Cllr Tanner  
Cllr Dr Barrett

### **Substitute Present**

Cllr Mrs Pearson  
Cllr Barrett

### **Also Present**

Cllr Sankey  
Cllr Mrs Murphy  
Cllr Mrs Francois

### **Officers Present**

Phil Drane  
Claire Mayhew

Paul Adams

Corporate Director (Planning & Economy)  
Corporate Manager (Democratic Services) and Deputy  
Monitoring Officer  
Licensing Manager

## LIVE BROADCAST

### 263. Apologies for Absence

Apologies were received from Cllr Tanner and Cllr Mrs Pearson was substitute and Cllr Dr Barret and Cllr Barrett was substitute.

### 264. Minutes of the Licensing Sub Committee 11.3.2022

The Minutes of the Licensing Sub Committee held on 11<sup>th</sup> March 2022 were approved as a true record.

### 265. Hackney Carriage Fares

Local Authorities have a power to set fares for hackney carriages. A request from representatives of the hackney carriage trade has been received for an increase in the Taxi Fare, this report seeks agreement to allow for public consultation in accordance with the statutory requirements.

Mr Adams presented the report members and confirm that the fees are drawn up by the Taxi Trade.

Cllr Bridge **MOVED** and Cllr Barber **SECONDED** the recommendation within the report.

A vote was taken by a show of hands, and it was **RESOLVED UNANIMOUSLY**.

**1. Agree for the proposed table of fares, as set out in Appendix A, to go out for public consultation, in accordance with the statutory requirement.**

*(Cllr Barrett was not present for this item and therefore was unable to vote).*

#### **Reasons for Recommendation**

The process of setting Hackney carriage Fares is prescribed by the legislation; this recommendation is compliant with the procedure to be followed.

### 270. Urgent Business

There were no items of urgent business.

The meeting concluded at 19:11



## Minutes

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**Licensing Sub-Committee**  
**Friday, 1st July, 2022**

### **Attendance**

Cllr Gelderbloem (Chair)  
Cllr Barber

Cllr Parker

### **Apologies**

### **Substitute Present**

### **Also Present**

### **Officers Present**

Paul Adams	-	Licensing Manager
David Carter	-	Environmental Health Manager
Zoey Foakes	-	Governance & Member Support Officer
Dave Leonard	-	Licensing Officer

### **LIVE BROADCAST**

[Live broadcast to start at 10am and available for repeat viewing.](#)

### **62. Appointment of Chair**

Members resolved that Cllr Gelderbloem would Chair the meeting.

### **63. Administrative Function**

Members were respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of 327 proof, i.e. 'on the balance of probabilities'. The matter will be determined

on the facts before the Sub-Committee and the rules of natural justice will apply.

**64. DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICES - Rumours, 110-112 Kings Road, Brentwood CM14 4EA**

Since publication of this agenda, the Determination of Objection for a Temporary Event Notice for Rumours had been withdrawn by the applicant and would not be heard at this meeting.

**65. DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICES - The Merchant, 125-127 High Street, Brentwood CM14 4RX**

There were two separate TEN applications for the Committee to determine.

In relation to the TEN for 17<sup>th</sup> July 2022:

The Committee noted the contents of the application and considered the oral representations of the Applicant who was present at the hearing.

The Committee noted the objection from Essex police who opposed the application on the basis that the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance, would be undermined.

Essex Police submitted that a number of conditions had been agreed to assist with the prevention of crime and disorder and the prevention of public nuisance at the premises. Essex Police therefore sought that the conditions on the current premises licence be applied to the Temporary Event Notice.

The Committee noted the objection from Environmental Health who opposed the application on the basis that the licensing objective, the prevention of public nuisance, would be undermined.

Environmental Health submitted that a number of conditions had been agreed to assist with the prevention of public nuisance at the premises. Environmental Health therefore sought that the conditions on the current premises licence be applied to the Temporary Event Notice.

The Applicant informed the Committee that they were content to accept the existing conditions on its premises licence being imposed on the Temporary Event Notice.

It was noted by the Committee that Essex Police, Environmental Health and Licensing Officers commented that the premises was fully compliant with the conditions on the premises licence and that no complaints had been received attributed to the premises.

The Committee, in making its determination, had regard to the Authority's own licensing statement and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.



Having sought legal advice the Committee resolved to allow the Temporary Event Notice with full conditions of the existing premises licence being imposed upon it.

In relation to the TEN for the August Bank Holiday weekend:

The Committee noted the contents of the application and considered the oral representations of the Applicant who was present at the hearing.

The Committee noted the objection from Essex police who opposed the application on the basis that the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance, would be undermined.

Essex Police submitted that a number of conditions had been agreed to assist with the prevention of crime and disorder and the prevention of public nuisance at the premises. Essex Police therefore sought that the conditions on the current premises licence be applied to the Temporary Event Notice.

The Committee noted the objection from Environmental Health who opposed the application on the basis that the licensing objective, the prevention of public nuisance, would be undermined.

Environmental Health submitted that a number of conditions had been agreed to assist with the prevention of public nuisance at the premises. Environmental Health therefore sought that the conditions on the current premises licence be applied to the Temporary Event Notice.

The Applicant informed the Committee that they were content to accept the existing conditions on its premises licence being imposed on the Temporary Event Notice.

It was noted by the Committee that Essex Police, Environmental Health and Licensing Officers commented that the premises was fully compliant with the conditions on the premises licence and that no complaints had been received attributed to the premises.

The Committee noted that the Temporary Event Notice application did not specify anything in addition to that which is already permitted on the current premises licence.

The Committee, in making its determination, had regard to the Authority's own licensing statement and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

Having sought legal advice the Committee resolved to allow the Temporary Event Notice with full conditions of the existing premises licence being imposed upon it. For the avoidance of doubt licensable activities in relation to closing times must be adhered to in accordance with the original licence.



<b>Committee(s):</b> Licensing Committee	<b>Date:</b> 26 July 2022
<b>Subject:</b> Licensing Act Policy Review	<b>Wards Affected:</b> All
<b>Report of:</b> Paul Adams – Licensing Manager	<b>Public</b>
<b>Report Author/s:</b> Name: Paul Adams, Licensing Manager Telephone: 01277312503 E-mail: paul.adams@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Licensing Act 2003 requires Local Councils to review their Statement of Licensing Policy every five years. A reviewed policy has been produced for consideration of this committee in preparation for consultation.

## Recommendation(s)

**Members are asked to:**

**R1. Agree for the reviewed statement of Licensing Policy to go out to consultation, and**

**R2. That after consultation, relevant responses are reported to the Licensing Committee for consideration, or**

**R.3 If no relevant responses are received during consultation, then it is recommended the policy be referred to Ordinary Council for the adoption.**

## Main Report

### **1. Introduction and Background.**

- 1.1. The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every five years.
- 1.2. In compliance with the requirement to review the policy, a draft of the reviewed Statement of Licensing Policy has been prepared and is attached as **Appendix A.**
- 1.3. As part of this review interested parties will be consulted with including licence holders and their representatives, and the public

## **2. Issue, Options and Analysis of Options**

- 2.1. The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current policy expired in January 2021. It is therefore imperative that the Council adopts a reviewed Policy as soon as possible.
- 2.2. The reviewed policy has included the legislative changes in the following areas:
  - The introduction of the Home Office as a Responsible Authority
  - The introduction of the right to work checks
  - The updating of the application procedures

## **3. Reasons for Recommendation**

- 3.1. The adoption of the policy is an Ordinary Council function.
- 3.2. This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Ordinary Council for adoption.

## **4. Consultation**

- 4.1. Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Licensing Act 2003 by Brentwood Borough Council will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.
- 4.2. Consultation will also be undertaken with other stakeholders and with Responsible Authorities which will include, Essex Police; Essex Fire and Rescue; Essex Trading Standards; health and safety regulators; Home Office (immigration) Brentwood Borough Councils Planning; Public Health and Environmental Health Noise Team.
- 4.3. The draft policy will also be published on the Council's website for comments.
- 4.4. The consultation period will run for 6 weeks.

## **5. References to Corporate Plan**

- 5.1. None.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**

**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

There are no direct financial implications for Brentwood Council arising from this report.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk**

The granting of licences is a legal function of the authority, and the adoption of a revised Statement of Licensing Policy is a statutory requirement under the Licensing Act 2003. The final policy will need to be adopted by Ordinary Council. This review will bring the policy in line with all recent changes to legislation and statutory guidance

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

There are no direct financial implications for Brentwood Borough Council arising from this report.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The policy states that as part of the Licensing Act there needs to be protection of children from harm.

### **Health & Wellbeing Implications**

**Name/Title: Jo Cory, Corporate Health & Wellbeing Officer**

**Tel/Email: 01277 312500/jo.corey@brentwood.gov.uk**

There are no direct Health or Wellbeing implications arising from this report.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

**Background Papers**

None.

**Appendices to this report**

**Appendix A** – Reviewed Statement of Licensing Policy.



# **Brentwood Borough Council Statement of Licensing Policy**

**Made under Section 5 of the Licensing Act 2003**

**2022**

**TO**

**2027**

## **FOREWORD**

It is nearly eighteen years since the Licensing Act 2003 came into force and just over sixteen years since publication of the Councils' first Statement of Licensing Policy. During this time the Policy has been reviewed and re-published three times and has evolved to incorporate best practice by taking account of various changes in legislation, codes of practice and statutory guidance.

This is the fifth Statement of Licensing Policy to be issued and explains how the Council, acting in its capacity as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that local residents and communities need and expect.

The change in licensing law that was implemented in full in 2005 took place at a time when many were concerned about the amount of alcohol being consumed and the antisocial behaviour that often went with it. The Licensing Authority recognises its key role in dealing with such issues and by working with our partner organisations has achieved some notable successes in this area. Whilst it is accepted that the majority of the public are well behaved and responsible, we must not let a minority of badly behaved and inconsiderate individuals spoil life for the majority.

The Licensing Authority recognises how important the leisure and entertainment industry is to the economic and social wellbeing of the Borough and well-run businesses are assured of the support of the Authority. The Council welcomes applications for new leisure developments that are well planned and where issues such as crime and disorder, transport and public safety have been considered early in the planning process.

The Council works proactively in partnership with the responsible authorities and other agencies to promote the four licensing objectives and to provide training and assistance where appropriate to local businesses and individuals. However, the Licensing Authority has demonstrated on a number of occasions that it will not hesitate in dealing firmly where problems of anti-social behaviour fuelled by excess alcohol and other issues, such as the sale of alcohol to minors, exist.

This Policy will be kept under regular review and it will no doubt change over a period of time to reflect local issues and circumstances. The Licensing Authority will seek through the licensing process and the decisions it takes, to make Brentwood a safe and welcoming place for residents and visitors to live and visit.



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# ABOUT BRENTWOOD



## **PREFACE**

The Borough of Brentwood is situated in the southwest of Essex and is a pleasant, busy town conveniently situated for London and the surrounding countryside and villages. Brentwood has a good mix of shops, schools, businesses and recreational facilities.

The Borough is located within the Metropolitan Green Belt, with the heart of the Town only minutes away from pleasant woods, commons and rights of way.

Apart from its urban heart, the Borough of Brentwood has about 3,000 acres (about 1,215 hectares) of woodland, three country parks, a large amount of farmland and a number of very attractive villages within its borders, yet it is only 18 miles from London.

Road and rail connections are excellent with the M25, A12 and A127 trunk roads within the Borough and convenient, fast rail links with London and East Anglia.

Stansted, City and Southend airports are each within 30 to 40 minutes drive away, with Heathrow and Gatwick airports not much more. The Dartford Tunnel/Queen Elizabeth II Bridge and Tilbury Docks are also within easy reach. To the east, Harwich and Felixstowe are 90 minutes away via the A12 road. Such assets give the Borough of Brentwood a superior locational advantage much appreciated by local residents and businesses.

The Borough of Brentwood includes the parishes of Blackmore Hook End and Wyatts Green, Doddinghurst, Herongate and Ingrave, Ingatestone and Fryerning, Kelvedon Hatch Mountnessing, Navestock, Stondon Massey and West Horndon. These parishes vary in size and comprise a number of attractive villages and landscapes with many important and historic buildings. Within the Borough as a whole there are more than 500 buildings listed for their historical and architectural importance.

The Borough has a total area of around 15,315 hectares and a population of approximately 73,600 (based on the 2011 Census).

The Borough is subject to considerable pressure for development for both housing and employment and increasingly for leisure and recreational purposes.

Much of Brentwood's housing is owner-occupied, the majority of which has been built since 1945. Much of the older housing has been renovated and there are few areas of poor quality housing in the Borough, although there is a need for significantly more low cost, affordable housing.

Employment within the Borough is very much concentrated in the service sector, which is mainly located in Brentwood Town Centre, Brentwood Station area and Warley Business Park. There are however, seven industrial estates and numerous other smaller enterprises scattered throughout the Borough. Notwithstanding this, over 50% of the resident workforce commutes out of the Borough to work, particularly into London.

The main shopping area is Brentwood Town Centre, with many multiples including Marks and Spencer, Boots and Sainsbury's represented. Shenfield and Ingatestone are smaller, but nevertheless important shopping centres serving local needs and there are a number of smaller shopping parades and village centres around the Borough.

The Town Centre is also an historic centre with three designated Conservation Areas, incorporating several Listed Buildings and an Ancient Monument - the St Thomas a Becket Chapel. Elsewhere in the Borough there are eleven (11) Conservation Areas.

Less than 20% of the Borough is built up. Brentwood itself has a well landscaped character, which reduces the impact of the urban environment.

There are a number of important green wedges reaching into the built up area, two of which extend right into the centre of the town Hartswood/Shenfield Common, and Brentwood School/Merrymeade Park. Thriftwood is also an extensive woodland area within the Town. In addition, the well landscaped areas like Hutton Mount, Hartswood and the Homesteads add to this sylvan character.

Within the rural area of the Borough, there are three sites of Special Scientific Interest. There is a variety of both public and private sports and recreational facilities in the Borough, including the multi-functional Brentwood Centre and International Hall at Pilgrims Hatch.

## **1.0 Introduction**

- 1.1 Brentwood Borough Council is the Licensing Authority under the Licensing Act 2003 (the Act), and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 For the purposes of this policy document, when carrying out functions required by the Licensing Act 2003, Brentwood Borough Council will be referred to as "the Licensing Authority", otherwise Brentwood Borough Council will be referred to as "the Council". All references to the Act contained within this policy relate to the Licensing Act 2003 as amended.
- 1.3 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to meet the four licensing objectives. Paragraphs 18 to 24 of this policy address matters that the Authority would normally expect to be considered by applicants in their operating schedule and provide sample control measures that applicants may wish to include to ensure adequate promotion of the Licensing Objectives. These control measures are examples and are by no means exhaustive.
- 1.4 However, it should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.
- 1.5 Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be over-ridden; each application will be considered and treated on its own merits.
- 1.6 Applicants are encouraged to read this policy prior to submitting any application for a Premises Licence, Club Premises Certificate or Temporary Event Notice.

## **2.0 The Licensing Objectives**

- 2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:-
  - a) The Prevention of crime and Disorder
  - b) The Prevention of Public Nuisance
  - c) Public safety
  - d) The Protection of Children from Harm

These objectives must be promoted at all times by applicants and licence holders and are the only matters that this Authority is permitted to have regard to in carrying out its functions, including when assessing applications for the variety of permissions provided for by the Act.

2.2 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

### **3.0 Statement of Licensing Policy**

3.1 The 2003 Act, further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

3.2 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the revised Guidance issued under Section 182 of the Act. It was originally drafted in partnership with the Essex Joint Licensing Officers Forum, Brentwood Crime and Disorder Reduction Partnership and the Brentwood Drug and Alcohol Reference Group. These partnerships provide links to the Essex Chief Executives Association, who will maintain a strategic overview of all issues associated with the Licensing Act 2003.

3.3 The Policy Statement takes effect on ..... and will remain in force for a period of not more than five years. It will be subject to regular review and further consultation prior to .....

3.4 When making and publishing its policy, the Licensing Authority must have regard to the Secretary of State's Guidance, as amended. The Licensing Authority may depart from this Licensing Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and if this situation arises the Licensing Authority will give full reasons for doing so.

3.5 It is possible that during a consultation period, or soon after publication of a policy, the statutory guidance issued by the Secretary of State may be subject to revision leading to some temporary inconsistencies between the two documents. In such circumstances, the Licensing Authority will have regard to the revised guidance as well as its licensing policy.

### **4.0 Consultation**

4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

4.2 In reviewing this Policy Statement, the Licensing Authority consulted widely.

- 4.3 Along with the statutory consultees (including the Chief Police Officer for the Borough, the Essex County Fire and Rescue Service and persons/bodies representative of existing licence holders) the views of Borough Councillors, Local MPs and MEPs, Town and Parish Councils, bodies representing various minority groups and disabled people were also sought. Due consideration was given to the views of all those who responded to the consultation process.

A list of consultees can be found at Appendix D.

## **5.0 Links to Other Strategies**

- 5.1 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, equality and diversity, tourism and regeneration, to ensure the proper co-ordination and integration of the aims and actions of these strategies. Review and amendment of these strategies will be considered for their impact on this Statement of Licensing Policy.
- 5.2 The Council recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000, the Equality Act 2006, the Disability Discrimination Act 2005 and other related legislation. The impact of this policy on race relations, equality issues and disabled people will be monitored through the Council's equality and diversity policies and strategies and the Licensing Authority will take these responsibilities into account when dealing with applications.

## **6.0 Regulated Entertainment**

- 6.1 Having regard to the Council's Corporate Strategy 2025, leisure and entertainment activities are welcomed for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live and recorded music and dancing, theatrical performances, etc, to ensure that such events are promoted without unreasonable restrictions being imposed, which may discourage such events. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly where they relate to children. Advice and guidance on this matter will be sought from appropriate services within the Council but will also include outside forums where appropriate.
- 6.2 Certain forms of entertainment have been deregulated by the Government under a variety of legislative changes. The Licensing Authority supports the ability for local residents and business to enjoy the freedoms brought about by these changes. It will work with other agencies to ensure that entertainment giving rise to concern is addressed by the appropriate authority and in the appropriate manner.
- 6.3 Particularly with regard to deregulated live and recorded music the licensing authority will consider removal of the exemption where it is shown that a public nuisance is being caused.

## 7.0 Applications

- 7.1 When considering applications, the Licensing Authority will have regard to:-
- (a) The Licensing Act 2003 and the licensing objectives.
  - (b) Government guidance issued under Section 182 of the Licensing Act 2003 (as revised)
  - (c) Any supporting regulations.
  - (d) This Statement of Licensing Policy.
- 7.2 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 7.3 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary).
- 7.4 The Licensing authority recognises that in some circumstances, longer licensing hours may help to avoid concentrations of customers leaving premises simultaneously, which may reduce the potential for disorder. It is also recognised that overly restrictive hours may inhibit the development of the night time economy that is important for investment, employment and tourism. When determining applications before a licensing sub-committee, the Authority will seek to balance these factors against the requirement to promote the four licensing objectives and the amenity of local residents.
- 7.5 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations who are aggrieved by a positive decision in favour of a Local Authority application by the Licensing Authority will be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 7.6 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 7.7 Appendix A provides applicants with the details of the application process, having regard to the Licensing Act 2003, as amended, the regulations, statutory guidance and local practice and procedures. It should be noted that an



incomplete or incorrect application will not be accepted but will be returned with an explanation of why it is incomplete or incorrect.

7.8 An application will only be deemed to be properly submitted if it has been given by one of the following methods:-

- (a) Sent to the Licensing Authority by electronic means through the online application section of the Council Website
- (b) By post and sent to the address shown below:-

Brentwood Borough Council  
Town Hall Ingrave Rd Brentwood Essex  
CM15 8AY

- (c) Delivered in person to the above address during normal office opening hours.

## **8.0 Temporary Events**

8.1 Certain temporary events are not required to be licensed but must be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder, (see Appendix A for details regarding the application process and timescales for the submission of Temporary Event Notices).

## **9.0 Minor Variations**

9.1 Applications for Minor Variations will be considered in respect of minor changes to the plan structure or layout of the premises, small changes to the licensing hours, the removal or addition of conditions, where appropriate, the removal or addition of licensable activities (where permitted by legislation) and any other minor matter. In all cases they will be permitted only where it is considered that there will be no adverse impact on promotion of the licensing objectives.

9.2 A simplified process will be adopted for minor variations, whereby the Licensing Authority will consult with any relevant responsible authority as it may determine to be appropriate in the context of the application. Whilst the Licensing Authority will consider all applications on their individual merit, it will be normal practice to refuse an application in favour of a full variation, should any representations be received unless agreement can be reached that satisfies the representation. However, in the absence of any representation the minor variation would normally be granted provided that it is considered that in so doing there is no likelihood of any adverse impact on the licensing objectives.

## 10.0 Representations

- 10.1 The Chief Officer of Police, the Fire and Rescue Authority, the Enforcing Authority for health and safety purposes, the Local Planning Authority, the authority responsible for Environmental Health, the local weights and measures (Trading Standards) authority, the director of Public Health, the Child Protection Authority, Home Office (Immigration Enforcement) and this Licensing Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 10.2 Any other person i.e. (but not exhaustively) Local residents and businesses, in the vicinity of the premises subject to the application, or their representatives, are free to raise relevant representations. Members of the Licensing Authority may also make representations as an individual. A representation would only be relevant if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews not repetitious.
- 10.3 When a Member of the Licensing Authority makes representation, this should normally be made as an individual member of the public unless they have specifically been asked by an individual(s) to make representation on their behalf. In such cases, representation may be made as a Member of the Council; however, it should be made clear, who and how many residents are being represented.
- 10.4 Where a representation is made, the Licensing Authority will determine whether it is relevant to one or more of the licensing objectives.
- 10.5 Representations are only considered relevant if they relate specifically to the likely effect of the grant of the licence on one or more of the licensing objectives at, or in the immediate vicinity of the premises and if they are not frivolous or vexatious.
- 10.6 Representations that are not relevant will be rejected; however, where time permits the author will be advised as to why the representation is considered invalid and given opportunity to make a relevant representation.
- 10.7 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant. Representations cannot be made anonymously.
- 10.8 In exceptional circumstances a person making representation may be reluctant for their personal details to be disclosed to the applicant due to fears of intimidation or violence. Where the Licensing Authority considers that a person making a valid representation has a genuine and well-founded fear in relation to disclosure of their personal details, their name and address will still be required by the Licensing Authority but may be withheld from the copy of the representation sent to the applicant.
- 10.9 Where no relevant representations are received, the Licensing Authority **must** grant the licence or certificate as applied for subject only to conditions that are consistent with the operating schedule and any mandatory conditions as may be prescribed under provision of the Licensing Act or any amendment to it.

## **11.0 Conditions**

- 11.1 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 11.2 In order to minimise representations, to fully consider all relevant matters relating to promotion of the licensing objectives and to reduce the requirement for hearings, it is advised that applicants for the grant or variation of a premises licence or club premises certificate should consult with responsible authorities (in particular with the Police and Environmental Health) before finalising their operating schedules.
- 11.3 Where relevant representations are made, the Licensing Authority will seek to make objective judgments as to whether conditions may need to be attached to various authorisations in order to secure promotion of the licensing objectives.
- 11.4 Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. These conditions will cover matters that are within the control of individual licensees and others with relevant responsibilities.
- 11.5 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of nuisance or the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual club or business that holds the licence, certificate or authorisation concerned. These include:
- a) Planning controls
  - b) Positive measures to create a clean and safe environment in partnership with local businesses, transport operators and other departments of the local authority
  - c) The provision of CCTV surveillance in Town Centres
  - d) Availability of taxi ranks
  - e) Provision of public conveniences
  - f) Street cleaning and litter patrols
  - g) Powers of the local authority to designate parts of the local authority area as places where alcohol may not be consumed publicly
  - h) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - i) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - j) The confiscation of alcohol from children and adults in designated areas
  - k) Police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder or noise emanating from the premises causing a nuisance

- l) The power of the Police, other responsible authorities or individuals to seek a review of a premises licence or club premises certificate
- m) Action under the Violent Crime Reduction Act 2006
- n) Anti-Social behaviour powers

11.6 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

11.7 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Although the Licensing Authority may maintain a pool of conditions which may be produced to assist applicants and others, standard or blanket conditions, other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate and proportionate for the promotion of the licensing objectives.

### **Duplication**

11.8 Duplication caused by licence conditions for matters that are dealt with by other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to the grant of any licence or certificate that are appropriate for the promotion of the licensing objectives if they are not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the necessary coverage, in such cases, conditions may be imposed.

### **12.0 Delegation of Functions**

12.1 With the exception of the approval and review of its Licensing Policy and consideration of various general discretionary powers, such as Cumulative Impact Policy (CIP), Late Night Levy and Early Morning Restriction Orders (EMRO), decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.

Details of delegation of powers are shown in appendix E of the supplementary information.

### **13.0 The Need for Licensed Premises**

13.1 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its Statement of Licensing Policy.

## **14.0 Cumulative Impact of a Concentration of Licensed Premises**

- 14.1 "Cumulative impact" refers to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider when reviewing its Licensing Policy Statement.
- 14.2 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.
- 14.3 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.
- 14.4 However, the cumulative impact of licensed premises in a particular area may be considered at any time, should significant evidence become available of general alcohol related crime or disorder that cannot be associated with any one individual premises. A request of this nature may take the form of a representation from residents or businesses or a responsible authority and this will, trigger the consideration of whether any additional licences or variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. In such cases, the Licensing Authority will follow the procedure set out in the Secretary of State's Guidance to determine whether a special policy covering cumulative impact should be incorporated in the Statement of Licensing Policy.
- 14.5 If a 'special policy' were to be created it would take the form of a presumption that applications for both new and variations to premises licences, club premises certificates and Temporary Event Notices would be refused if relevant representations were received. In order to rebut this presumption, an applicant would need to address the issues raised in the representations by means of their operating schedule and demonstrate that the operation of their business will not add to the cumulative impact of the area.
- 14.6 The existence of a 'special policy' does not mean that a responsible authority, resident or 'other person' need not make representations about any application, as if no representations are received the application must be granted by the Licensing Authority on the terms applied for under due process of law. If representations are received, the licensing sub-committee will consider if there are any grounds to justify a departure from its special policy in the individual circumstances of the application.
- 14.7 The Licensing Authority, having regard to current evidence and being aware of other measures that are available to the Local Authority and Police to address such issues, considers that there is no particular part of the Borough causing a cumulative impact on any of the licensing objectives at this time. This position is kept under constant review and therefore, should it be considered at a future time that it

would be appropriate to introduce a special policy the reasons will be published and full consultation undertaken in accordance with the requirements of the Act.

## **15.0 Advice and Guidance**

- 15.1 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003, as amended, provide and welcomes the diversity of activities that are provided by licence holders. In respect of new businesses and developments involving licensable activities, the Licensing Authority welcomes an early opportunity to offer advice and guidance whether before or after planning permission has been sought. At this stage, it is often easier and more cost effective to integrate issues such as crime and disorder, transport and public safety into the early design stages. With regard to existing businesses, discussions prior to submitting an application under the Licensing Act 2003, will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants as resources permit.
- 15.2 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the Licensing Authority's Licensing Section and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## **16.0 Reviews**

- 16.1 Where possible and appropriate the Licensing Authority or other responsible authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 16.2 Responsible authorities businesses or any other person can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Licensing Authority. The review application and any representations made relating to that application must be relevant to the promotion of the licensing objectives and must not be frivolous, vexatious or repetitive.
- 16.3 In stating that a review may not be repetitive this means that no more than one review from individuals will normally be permitted within any 12 month period on similar grounds in respect of the same licensed premises, except in exceptional and compelling circumstances.
- 16.4 There is no appeal against the decision of the Licensing Authority to reject any application for a review other than by way of a Judicial Review.

- 16.5 This Authority will not consider anonymous representations; however, the Licensing Authority accepts that in exceptional circumstances, a member of the public may not wish to provide their personal details to the licence or certificate holder. In those circumstances the member of the public might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can consider whether it is appropriate for it to apply for a review.

## 17.0 Enforcement

- 17.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Licensing Authority has adopted an enforcement policy, which aims to promote the principles of openness, helpfulness, proportionality, consistency, targeting, transparency and accountability, having been designed to ensure effective and efficient public protection services.
- 17.2 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

## 18.0 Licensing Objectives

- 18.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:
- (a) The Prevention of Crime and Disorder.
  - (b) Public Safety.
  - (c) The Prevention of Public Nuisance.
  - (d) The Protection of Children from Harm.
- 18.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 18.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

- 18.4 **The selection of control measures, referred to in 18.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of him/her wishing to make application for variation or in response to changing circumstances/conditions at the premises.
- 18.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**
- 18.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 18.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four licensing objectives, (except in respect of premises licensed exclusively for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**
- 18.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:-
- (a) The nature of the premises or event.
  - (b) The nature of the licensable activities being provided.
  - (c) The provision or removal of such items as temporary structures, such as a stage, or furniture.
  - (d) The number of staff available to supervise customers both ordinarily and in the event of an emergency.
  - (e) The age of the customers.
  - (f) The attendance by customers with disabilities, or whose first language is not English.
  - (g) The availability of suitable and sufficient sanitary accommodation.
  - (h) The nature and provision of facilities for ventilation.
- 18.9 The Licensing Authority will consider applications for minor variations to premises



licences, provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives and the Licensing Authority will consult with Responsible Authorities whom they deem necessary to make such assessment.

- 18.10 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge of the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

### **19.0 Prevention of Crime & Disorder**

- 19.1 Brentwood Borough Council, through its Corporate Strategy is committed to further improving the quality of life for the people of the Borough of Brentwood by continuing to reduce crime and the fear of crime.
- 19.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Brentwood Borough Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003, as amended, reinforces this duty for local authorities.
- 19.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**
- 19.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:-
- (a) Underage drinking.
  - (b) Drunkenness on premises.
  - (c) Public drunkenness.
  - (d) Drugs.
  - (e) Violent behaviour.
  - (f) Anti-social behaviour.

### **Control Measures Relating to Crime and Disorder**

19.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises.
- (b) Training and supervision of staff.
- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, "Security in Design", "Drugs and Pubs" which are published by the British Beer and Pub Association [BBPA])
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards, e.g. 'Prove It' and/or 'new type' driving licences with photographs.
- (e) Provision of effective CCTV in and around premises.
- (f) Employment of Security Industry Authority licensed door staff. (g) Provision of toughened or plastic drinking vessels.
- (h) Provision of secure deposit boxes for confiscated items ('sin bins').
- (i) Provision of litterbins and other security measures, such as lighting, Outside premises.
- (j) Membership of local 'Pubwatch' schemes or similar organisations.
- (k) Use of specialist equipment such as a High Frequency Deterrent Device known as a 'Mosquito Device' in order to deter and drive away congregations of young persons outside premises.

## **20.0 Designated Premises Supervisor [DPS]**

20.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor') and such person must be in possession of a current Personal Licence. The Licensing Authority will normally expect the Designated Premises Supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

20.2 The Act does not require a DPS or any other Personal Licence Holder to be present on the premises at all times when alcohol is sold. However, the DPS and the Premises Licence Holder remain responsible for the premises at all times and have a duty to comply with the terms of the Licensing Act and any conditions, including the matters set out in the premises' Operating Schedule, in order to promote the Licensing Objectives. To that end, the Licensing Authority will be mindful of the Guidance issued by the Secretary of State, which recommends that a Personal Licence Holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the Act and the Designated Premises Supervisor/Personal Licence Holder remain ultimately responsible for ensuring compliance with the Act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement. The Licensing Authority will therefore

expect that where the Personal Licence Holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the Licensing Authority or the Police upon request.

## **21.0 Public Safety**

- 21.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:-

- (a) The occupancy capacity of the premises.
- (b) The age, design and layout of the premises, including means of escape in the event of fire.
  
- (c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- (d) The hours of operation (differentiating between the hours of opening from the hours when licensable activities are provided, if these are different)
- (e) The Customer profile (e.g. age, disability)
- (f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- (g) Compliance with the Disability Discrimination Act etc.

### **Control Measures Relating to Public safety**

- 21.2 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Suitable and sufficient risk assessments.
- (b) Effective and responsible management of premises.
- (c) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- (d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- (e) Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA).

- (f) Provision of effective CCTV in and around premises.
- (g) Provision of toughened or plastic drinking vessels.
- (h) Implementation of crowd management measures.
- (i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc., pertinent to safety.

## **22.0 Prevention of Public Nuisance**

- 22.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 22.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 22.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 22.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 22.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 22.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-
- (a) The location of premises and proximity to residential and other noise Sensitive premises, such as hospitals, hospices and places of worship.
  - (b) The hours of opening, particularly between 23.00 and 07.00.
  - (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
  - (d) The design and layout of premises and in particular the presence of noise limiting features.
  - (e) The occupancy capacity of the premises.
  - (f) The availability of public transport.
  - (g) A 'wind down period' between the end of the licensable activities and

- closure of the premises.
- (h) A last admission time.

### **Control Measures Relating to Public Nuisance**

22.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises.
- (b) Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- (c) Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries and collections.
- (d) Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- (e) Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- (f) Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- (g) Liaison with public transport providers.
- (h) Sighting of external lighting, including security lighting.
- (i) Management arrangements for collection and disposal of litter including the provision of appropriate receptacles.
- (j) Clearly showing the name of the premises on all disposable packaging used for takeaway food and/or hot drinks.
- (k) Effective ventilation systems to prevent nuisance from odour.
- (l) Use of specialist equipment such as a High Frequency Deterrent Device known as a 'Mosquito Device' in order to deter and drive away congregations of young persons outside premises.
- (m) Siting of smoking areas in relation to adjoining residential premises
- (n) Details of dispersal policy for customers leaving the venue

### **23.0 Protection of Children from Harm**

23.1 The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

23.2 The general relaxation in the Licensing Act 2003 giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

23.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm.

- 23.4 In relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include nude or semi nude activity, performances involving feigned violence, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes susceptibility to suggestion, peer group influences etc due to the unpredictability of their age and reduced understanding of danger. This applies to premises licensed under the Licensing Act 2003, only and not licensed sexual entertainment venues (SEV's) which are regulated separately.
- 23.5 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises unless this is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a Temporary Event Notice.
- 23.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 23.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:-
- (a) Where entertainment or services of an adult or sexual nature are commonly provided;
  - (b) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - (c) Where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
  - (d) With a known association with drug taking or dealing;
  - (e) Where there is a strong element of gambling on the premises, and
  - (f) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

**Control Measures  
Relating to the Protection of Children from Harm**

- 23.8 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises.
- (b) Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- (c) Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- (d) Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks).
- (e) Limitations on the hours when children may be present in all or parts of the premises.
- (f) Limitations or exclusions by age when certain activities are taking place (e.g. feigned or actual sexual acts or fetishism, etc.).
- (g) Imposition of requirements for children to be accompanied by an adult.
- (h) Measures to ensure children do not purchase, acquire or consume alcohol.
- (i) Measures to ensure children are not exposed to incidences of violence or disorder.
- (j) Limitations on the parts of premises to which children might be given access.

These examples can be adopted in any combination.

## **24.0 Film Exhibitions**

**24.1 In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a Temporary Event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

24.2 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.

24.3 The Licensing Authority will rarely impose complete bans on access to children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

## **25.0 Events and Event Risk Assessments**

25.1 Organisers of larger events, events for 'one off' special occasions and/or any event that may lead to concern over addressing or promoting any licensing objective are advised to seek early advice from the Council licensing team or Safety Advisory Group (SAG). This will ensure that bona fide events, including those for charitable purposes may be considered and advice given at an early stage so as to ensure that all risks are identified and measures may be put in place to permit a successful event

with minimal risk to the safety of the public and the other objectives of the Act.

- 25.2 It should be noted that currently neither Disc Jockeys nor events promoters are licensed or regulated in any way. Whilst it is not suggested that there is a general concern over such persons, there have been documented cases of issues that have breached the licensing objectives. The adequate control of persons providing a service of this type under the terms of a Premises Licence or other authorisation issued under the Act is the responsibility of the licence holder. In order that the licence holder may maintain full control of such events and minimise the risks in relation to the breach of any licensing objective, applicants are encouraged to complete both pre and post event risk assessments. Either the Licensing Authority or Essex Police would be pleased to advise in this respect.

## **26.0 Suspension of Premises Licences**

- 26.1 The licence holder is responsible for ensuring that the annual licence fee is paid in full by the due date. Under measures imposed by the Police Reform and Social Responsibility Act 2012, failure to pay the annual fee in respect of a Premises Licence or Club Premises Certificate will result in suspension of the licence or certificate.
- 26.2 If a licence or certificate is suspended due to an unpaid annual fee, this will mean that licensable activity will not be lawfully permitted until such time as the fee is paid and the licence or certificate has been reinstated, in writing, by the Licensing Authority.

## **27.0 Smoking – Health Act 2007**

- 27.1 As from 1 July 2007, it became illegal in England to smoke in virtually all enclosed public places and workplaces. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.
- 27.2 Businesses are required to display signs containing prescribed information at the entrance to any premises. Further information is available from the department of health at [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk).
- 27.3 One of the results of the Health Act is that customers wishing to smoke are often attracted to premises that have a 'beer garden' or designated outdoor smoking areas. This can lead to more consumption of alcohol outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity, namely the sale of alcohol and may therefore be viewed as an area that requires consideration of possible control measures in the interests of avoiding a public nuisance.
- 27.4 There may be occasions where licensees are required (following representation or application for a review) to control areas and/or hours for such activity and/or have conditions imposed upon their licence if this is deemed appropriate and proportionate in promoting one or more of the licensing objectives and in particular the prevention of public nuisance.



## **APPENDIX A** **APPLICATION PROCESS**

**Applications for all licences should be made to the following address:**

Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY

Alternatively, applications can be submitted online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk)

### **Electronic Applications**

- ◆ The EU Service Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.
- ◆ Where applications have been submitted online through GOV.UK or the Authority's own facility, the Licensing Authority is responsible for sending copies of the application to the Responsible Authorities for consultation. However, if any part of the application is submitted in writing, the applicant must send copies of these parts to the Responsible Authorities.
- ◆ Any advertising requirements must still be met whether the application is submitted electronically or in writing and this remains the responsibility of the applicant.
- ◆ This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

## **PERSONAL LICENCE**

### **New Applications**

- ◆ To apply for a new Personal Licence, applicants must be over 18 years of age and will need to complete an application form and send it to the Licensing Authority together with two passport photographs (one of which must be certified as a true likeness), the original of the applicant's licensing qualification, proof of a right to work in the UK a criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service, a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it and the appropriate licence fee. The criminal checks must not be more than 1 calendar month old when the application is received.

### **Renewals**

- The Government has removed the requirement for personal licence holders to renew their licence. Any licence with an expiry date is still valid.

## **PREMISES LICENCE/CLUB CERTIFICATES**

To apply for a Premises Licence/Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003. It should be noted that the forms are prescribed forms issued by the Government.

The application form must be completed in BLACK INK. Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be enclosed,

- The appropriate application fee, if any. Please note the fee for a Premises Licence/Club Certificate is payable annually on the anniversary of the granting of the application. Non payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence.
- A plan of the premises at a scale of 1:100 which complies with the Regulations as detailed in the information sheet supplied by the Licensing Authority.
- If alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor.
- Proof of a Right to Work in the UK [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation:

- Essex Police
- Essex Fire and Rescue Service
- Health and Safety Enforcing Authority
- Trading Standards
- Area Child Protection Committee
- Planning Authority
- Environmental Health (Noise Pollution)
- Licensing Authority
- Health Body
- Home Office (Immigration Enforcement)

This must be done on the same day that the application is given to the Licensing Authority. The contact addresses are detailed in Appendix C of this document.

The application must be advertised by publishing a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the information sheet supplied by the Licensing Authority.

Additionally, a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority. To assist applicants, a template for the notice is included on the Council's website.

Failure to comply with any of the above requirements will mean that the application is not valid and cannot be considered.

## **Variations**

Applications to vary a premises licence or club certificate should be made on the prescribed form and the same process for new applications regarding advertisements and notification of Responsible Authorities must be completed.

### Minor Variations

- Minor variations will generally fall into the following four categories:
  - i) Minor changes to the structure or layout of a premises;
  - ii) Small adjustments to licensing hours;
  - iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
  - iv) The addition of certain licensable activities.

However variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases.

- Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.
- It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

Applications for minor variations must be made on the prescribed form and be accompanied by the statutory fee and amended plans (if applicable).

The application must be advertised on a white A4 notice at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations. This notice must remain on the premises for the consultation period of 10 working days. To assist applicants, a template for the notice is included on the Council's website.

During the consultation period, the Licensing Authority will consider the application and may consult with any of the Responsible Authorities.

### **Variation of Premises Licence (Designated Premises Supervisor)**

- ◆ An application to vary a premises licence where there has been a change of the designated premises supervisor must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor; the fee.
- ◆ A copy of the application and all accompanying documents must also be sent to the police.

### **Transfer of Premises Licence**

- ◆ An application to transfer the premises licence where there has been a change of the licence holder must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the exiting premises licence holder; Proof of a Right to Work in the UK [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]; the fee.
- ◆ A copy of the application and all accompanying documents must also be sent to the police and the Home Office.

### **Club Premises Certificate**

- ◆ The process of applying for a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club, neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

### **Temporary Event Notice (TEN)**

- ◆ The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence providing that a minimum of 10 working days notice is given to the Police, Environmental Health Team and Licensing Authority. The aim of the system of Temporary Event Notices (TENs) is to minimise the regulatory burden on such events, many of which will be run by community groups.

The process involves sending notification of an event, in the form of a Temporary Event Notice (TEN), to the Police, Environmental Health Team and Council in whose area the event is being held at least 10 working days before the day on which the event begins. The Council will issue an acknowledgement if the TEN is valid. Essex Police and Thurrock Council's Environmental Health Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Essex Police or the Environmental Health Team submit an objection to the notice, the licensing authority will hold a hearing to consider the objection.

Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Essex Police or the Council's Environmental Health Team.

Activities that can be covered by a Temporary Event Notice are:

- **Provision of regulated entertainment**
- **Sale by retail of alcohol**
- **The supply of alcohol by or on behalf of a club**
- **Provision of late night refreshment**

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

No more than 499 people (including staff/organisers) attending at any one time.

An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50.

A limit of 15 temporary event notices may be given in respect of any particular premises in a calendar year.

An event may last no longer than 168 hours.

The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.

Organisers of TEN's are strongly advised to contact the Licensing Authority, the Environmental Health Service and Essex Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

### **Late Temporary Event Notices (Late TEN)**

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Essex Police and the Environmental Health Team between 5 and 9 working days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that if either the Police or the Council's Environmental Health team submits an objections to a late notice the Council will issue

a counter notice prohibiting licensable activities for the duration of the TEN. Late TENs are included within the maximum allowance for a premises and person.

It should be noted that giving a Temporary Event Notice does not relieve the premises user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance)

### **Removal Of Designated Premises Supervisor**

Where an individual wishes to cease being the Designated Premises Supervisor in respect of a Premises Licence he or she may give the Licensing Authority notice to that effect, the notice to be in writing together with the documentation required for the particular type of notice being given and detailed in the Guidance Notes.

Within 48 hours of the notice being served upon the Licensing Authority, the individual must [unless he or she is the Premises Licence holder] serve a copy of the notice and another notice requiring the Premises Licence holder to send the Premises Licence to the Licensing Authority. The Premises Licence holder must comply with this request within 14 days of that notice.

Provided that the proper notices are served and documentation supplied within the specified timescales, the Licensing Authority will no longer treat that individual as the Designated Premises Supervisor.

### **Provisional Grant Applications**

The Licensing Act 2003, as amended, permits the granting of Provisional Licences to allow applications to be accepted for the grant of a Premises Licence where the actual premises has not been built or where works are necessary to be carried out to bring the building into use for any purposes covered by the Act. Guidance notes will be available for those persons wishing to make this type of application and may be obtained from the Licensing Authority upon request.

### **Interim Authority Notices**

Should a Premises Licence lapse due to the death, incapacity or insolvency of the licence holder, then an application may be made to the Licensing Authority for an Interim Authority Notice to enable the premises to continue to trade pending a transfer application being made. This may be made in paper format or electronically.

An application may be submitted by a Personal Representative, a person holding a Power of Attorney or an Insolvency Practitioner.

As soon as the Interim Authority Notice is given, the Premises Licence will be reinstated as from that time and the person who gave the notice will be considered to be the holder of the Premises Licence.

The Premises Licence will lapse after a period of 28 days unless a copy of the notice has been given to the Chief Officer of Police or a Transfer application has been submitted to the Licensing Authority.

If no representation is received, the application will be processed by Officers of the Licensing Authority.

If the Chief Officer of Police wishes to object to the transfer on the grounds of the Crime and Disorder Licensing Objective he must, before the end of the second working day following the day of receiving the notice, give notice to the Licensing Authority stating the reasons for this decision and, unless the representation is withdrawn, a Hearing will be arranged in accordance with the procedure set out above.

There is nothing to prevent the person giving the Interim Authority Notice from making a transfer application if it is made during the Interim Authority period or if the application for the Interim Authority application is rejected or withdrawn or if the licence lapses again at the time of rejection or withdrawal.

In certain circumstances, the Interim Authority Notice may be cancelled if the Crime and Disorder objective is being undermined and the Act provides the procedure which must be followed in this event.

### **Reinstatement Of Licence**

The Act provides that an application for the reinstatement of a licence following the events set out in the paragraph above can be made when the Interim Authority Licence ceases to have effect when it is cancelled or withdrawn. The application must be made no later than Twenty Eight days after the licence has lapsed and where an application for transfer has been made.



## CONDITIONS ATTACHED TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

The following mandatory conditions will be attached to Premises Licences where applicable.

### All Premises Licences which authorise the sale or supply of alcohol:

1. No supply of alcohol may be made under this licence
  - a) At a time when there is no designated premises supervisor in respect of it or,
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### Where the Premises Licence authorises the sale or supply for consumption on the premises, the following mandatory conditions will also apply:

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The responsible person shall ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

Where a Premises Licence has a condition requiring the presence of door staff, the following mandatory condition will apply:

Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:

- a) Unauthorised access or occupation (e.g. through door supervision), or
- b) Outbreaks of disorder, or
- c) Damage

Where a Premises Licence authorises the exhibition of films, the following mandatory condition will apply:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3)9b) for clubs) of the Licensing Act 2003 applies to the film.

The following conditions will apply to Club Premises Certificates which authorise the sale or supply of alcohol:

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely

closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Where a Club Premises Certificate authorises the exhibition of films, the following mandatory condition will apply:

1. Where the film classification body is specified in the certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where -
  - a. the film classification body is not specified in the certificate, or
  - b. the relevant licensing authority has notified the club which holds the certificate that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Conditions may also be added to Premises Licences and Club Premises Certificates in line with the operating schedule submitted by the applicant and mediation with the Responsible Authorities. The Licensing Sub-Committee may also attach conditions following a hearing.

### **ADVERTISEMENT OF APPLICATIONS**

In the case of an application for a Premises Licence under Section 17, for a Provisional Statement under Section 29, to vary a Premises Licence under Section 34, for a Club Premises Certificate under Section 84, the person making the application shall advertise the application, in both cases in a prescribed format and contain the appropriate information. The format of advertisement and information to be included is:—

- (A) For a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice:
- (i) which is -
    - (a) of a size equal or larger than A4;
    - (b) of a pale blue colour;
    - (c) printed legibly in black, in a font of a size equal to or larger than 16.
  - (ii) In all cases, prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, covering an area exceeding 50m square, a further notice in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway; and
- (B) By publishing a notice:

- (i) in a local newspaper, or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
- (ii) on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant licensing authority.

In the case of an application for a Premises Licence - Section 17, or a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities, as the case may require, which is proposed will be carried on or from the premises.

- (i) In the case of an application for a Provisional Statement, the necessary notices:
  - Ⓐ shall state that representatives are restricted after the issue of a Provisional Statement; and
  - Ⓑ where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.
- (ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation.
- (iii) In all cases the required notices shall state:
  - Ⓐ the name of the applicant or club;
  - Ⓑ the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
  - Ⓒ the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected;
  - Ⓓ the date by which a other person or responsible authority may make representations to the licensing authority;
  - Ⓔ that representations shall be made in writing;
  - Ⓕ that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence (level 5 on the standard scale).

### **Advertisement Of Applications By The Licensing Authority**

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of

a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84. This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority

## **APPENDIX B**

### **OBJECTIONS/REPRESENTATIONS/REVIEWS/HEARINGS/APPEALS**

#### **Who can make representations or seek reviews?**

'Other Persons' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

#### **'Other Persons' are defined as: -**

- ♦ a member of the relevant licensing authority (elected Councillors);
- ♦ any person;
- ♦ a body representing any persons;
- ♦ any person involved in a business;
- ♦ a body representing any person involved in such businesses.

#### **'Responsible Authority' is defined as any of the following: -**

- ♦ the chief officer of Police;
- ♦ the Fire Authority;
- ♦ the enforcing authority for Health and Safety at Work;
- ♦ the local planning authority;
- ♦ the local authority responsible for environmental health;
- ♦ the body that represents those who are responsible for, or interested in, matters relating to the protection from harm
- ♦ the local weights and measures authority (Trading Standards);
- ♦ a navigation authority, the Environment Agency, or the British Waterway Board in relation to a vessel.
  
- ♦ the Licensing Authority
- ♦ the local Health Body
  
- ♦ Home Office Alcohol Licensing Team

#### **What are relevant representations?**

#### **'Relevant representations' is the term used for comments and objections that: -**

- ♦ are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- ♦ are made by 'any person' or 'Responsible Authority' within the prescribed period and have not have been withdrawn;

- ♦ in the opinion of the Licensing Authority, are not frivolous or vexatious; and in the case of a review, repetitious.
- ♦ if they relate to the identity of the proposed premises supervisor, are made by the chief officer of Police and include a statement that his/her designation would undermine the crime prevention objective.

The terms 'frivolous' and 'vexatious' have their normal meanings.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

- (a) it is identical or substantially similar to: -
  - ♦ grounds in an earlier application for review made in respect of the same premises and already determined, or
  - ♦ representations considered by the Licensing Authority in granting the premises licence or certificate, or
  - ♦ representations which would have been considered except they were excluded representations following a provisional statement, and
- (b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

### **Time Limits on Representations**

Any person or a responsible authority making representations to a relevant licensing authority may make these representations:-

- (A) In the case of a review of previous licence following a closure order, at any time up to and including seven days, starting on the day after the day on which the authority received the notice under Section 165(4) of the Licensing Act 2003, in relation to the closure order and any extension to it.
- (B) In the case of a Summary Review or Minor Variation at any time up to 10 days, starting on the day after the application was made.
- (C) In any other case, at any time during a period of 28 consecutive days, starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

### **Reviews**

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- ♦ representations are made in the prescribed form by a Responsible Authority or Other persons seeking a review of the licence or certificate on one or more of the licensing objectives; or

- ♦ a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police in respect of the licensed premises.

## **Hearings**

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice and notices must be sent to each party informing them of the date.

The table below lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.



<b>Provision under which hearing is held</b>	<b>Period of time in which hearing must be held</b>	<b>Persons to whom notices must be sent</b>
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations.
Application to vary premises licence to change DPS	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Chief of police Proposed Designated Premises Supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of premises licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations. Applicant.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.

Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	The club holding the club premises certificate. Persons who have made relevant representations. Applicant.
Counter notice following Police/environmental health objection to a Standard TEN	7 days beginning with the day after the end of the period for making representations.	The premises user. Chief of police Environmental Health
Counter notice following Police/Environmental Health objection to a Late TEN	No provision for hearing	The premises user. Chief of police Environmental Health
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of personal licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the Licensing Authority receives the court notice.	Holder of premises licence. Chief of police

### **Appeals Against Decisions**

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court within 21 days of the written decision notice.

## **APPENDIX C** **RESPONSIBLE AUTHORITIES**

The following contact details for the Responsible Authorities under the Licensing Act 2003 are provided for the service of premises and club applications and to enable pre-application discussions to take place.

### **Licensing Authority**

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)

### **Essex Police**

Licensing Department (Alcohol), Essex Police, Braintree, Essex, CM7 3DJ.  
Email: [licensing.applications@essex.police.uk](mailto:licensing.applications@essex.police.uk)  
Phone 101, or 01245 452035 if outside Essex.

### **Essex County Fire & Rescue Service**

Basildon & Brentwood SDP, Fire Station, Broadmayne, Basildon, Essex SS14 1EH  
Email: [southwestgroupsdp@essex-fire.gov.uk](mailto:southwestgroupsdp@essex-fire.gov.uk)

### **Planning Authority**

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [planning@brentwood.gov.uk](mailto:planning@brentwood.gov.uk)

### **Health & Safety Team\***

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [hoehpps@brentwood.gov.uk](mailto:hoehpps@brentwood.gov.uk)

### **Pollution Team**

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [hoehpps@brentwood.gov.uk](mailto:hoehpps@brentwood.gov.uk)

### **Trading Standards**

Information and Business Support Team, Essex Trading Standards, CG32, County Hall, Market Road, Chelmsford, CM1 1QH.  
Email: [ESHbsnewdukesway@essex.gov.uk](mailto:ESHbsnewdukesway@essex.gov.uk)

### **Childrens Safeguarding Service**

Licensing Applications, Child Safeguarding Service, 70 Duke Street, County Hall, Chelmsford, CM1 1JP.  
Email: [licenceapplications@essex.gov.uk](mailto:licenceapplications@essex.gov.uk)

### **Public Health Team**

Licensing Officer, Public Health, E2, County Hall, Chelmsford, CM1 1LX.  
Email: [public.healthteam@nhs.net](mailto:public.healthteam@nhs.net)

### **Home Office(Immigration Enforcement)**

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2 BY  
Email: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

**ANNEX D**  
**LIST OF CONSULTEES**

<b>Licensing (Alcohol) Consultations</b>	
<b>General Consultees</b>	
Chief Of Police (Brentwood)	
Chief of Fire Service (Brentwood)	
Information Commissioners Office	
Institute of Licensing	
British Beer and Pub Association	
All Premises Licence Holders with premises in this Borough	
All known Brewery Chains	
All Personal Licence Holders Licensed by the Borough	
All Brentwood Borough Councillors	
<b>Alcohol Related Charities</b>	
Alcohol Concern	
Resolve	
Mind	
Alcohol Research UK	
Alcohol Research UK	
The National Association for Children Of Alcoholics	
Drink Aware	
Lifeline	
Alcoholics Anonymous (GB) Ltd	
BIIAB	
<b>Parish Councils</b>	
Blackmore, Hook End & Wyatts Green	
Doddinghurst	
Herongate and Ingrave	
Ingatestone & Fryerning	
Kelvedon Hatch	
Mountnessing	
Navestock	
Stondon Massey	
West Horndon	

## **APPENDIX E**

### **DELEGATION OF POWERS**

- Full details of the Council's Constitution can be found on the Council web site [www.brentwood.gov.uk](http://www.brentwood.gov.uk) and the terms and references and the delegation of functions of the Licensing Committee are described in full.
- In respect of responsibilities under the Licensing Act 2003, the Council has delegated all aspects of licensing under the Act, other than the approval and publishing of a Licensing Policy Statement that will be approved by a full Council.
- The Council will establish one or more panels, each consisting of three members of the Licensing Committee and Chaired by either the Chairman or Vice Chairman of the Licensing Committee to deal with matters relating to licence for activities in accordance with any regulations made under the Licensing Act 2003.

### **Delegation of Function**

- The Licensing Manager is empowered to:
  - deal with all aspects of the Licensing Act 2003, where no representations or objections have been made by interested parties and responsibilities;
  - grant or refuse all minor variation applications.

**APPENDIX F**  
**REFERENCES TO GUIDES AND BEST PRACTICE**

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 [www.gov.uk](http://www.gov.uk)
- ⇒ Government's Enforcement Concordat [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)
- ⇒ Safer Clubbing [www.drugs.gov.uk](http://www.drugs.gov.uk)
- ⇒ The National Alcohol Harm Reduction Strategy Toolkit [www.hms0.gov.uk](http://www.hms0.gov.uk)
- ⇒ The Point of Sale Promotions [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ Security in Design [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ Drugs and Pubs [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ Fire Safety Risk Assessment Guides:  
Guide 6 – Small and Medium Places of Assembly  
Guide 7 – Large Places of Assembly  
Guide 9 – Open Air Events and Venues <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>
- ⇒ The Event Safety Guide [www.hse.gov.uk](http://www.hse.gov.uk)
- ⇒ Good Practice Guide on the Control of Noise from Pubs and Clubs [www.ioa.org.uk](http://www.ioa.org.uk)
- ⇒ Licensed Property: Noise [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks  
The Retailer Alert Bulletin [www.portman.group.org.uk](http://www.portman.group.org.uk)
- ⇒ British Institute of Innkeepers  
Best Practice Qualification  
Door Supervisors  
Personal Licence Holders  
Other Bar Staff [www.bii.org](http://www.bii.org)

**APPENDIX G**  
**CONTACT DETAILS AND USEFUL ADDRESSES**

1. Arts Council England  
Bloomsbury Street  
Bloomsbury  
London  
WC1B 3HF  
Tel: 0845 300 6200  
Email: [enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)  
Web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)
2. Association of Licensed Multiple Retailers  
10 Bloomsbury Way  
6th Floor  
London WC1A 2SL  
Tel: 020 8579 2080  
Email: [info@almr.org.uk](mailto:info@almr.org.uk)  
Web: [www.almr.org.uk](http://www.almr.org.uk)
3. British Beer & Pub Association  
Ground Floor  
61 Queen Street  
London  
EC4R 1EB  
Tel: 020 7627 9191  
Email: [contact@beerandpub.com](mailto:contact@beerandpub.com)  
Web: [www.beerandpub.com](http://www.beerandpub.com)
4. British Board of Film Classification  
3 Soho Square  
London  
W1D 3HD  
Tel: 020 7440 1570  
Email: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Web: [www.bbfc.co.uk](http://www.bbfc.co.uk)
5. British Institute of Innkeeping  
Infor House  
1 Lakeside Road  
Farnborough, GU14 6XP  
Tel: 01276 684449  
Email: [reception@bii.org](mailto:reception@bii.org)  
Web: [www.bii.org](http://www.bii.org)
6. Equality & Human Rights Commission  
Fleetbank House  
2-6 Salisbury Square  
London  
EC4Y 8JX  
Tel: 020 7832 7800  
Email:  
Web: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
7. Essex Chamber of Commerce  
South Essex Office  
34a Star Lane,  
Great Wakering,  
Essex. SS3 0FF  
Tel: 01702 560 100  
Email: [info@essexchambers.co.uk](mailto:info@essexchambers.co.uk)  
Web: [www.essexchambers.co.uk](http://www.essexchambers.co.uk)
8. Equity  
Guild House  
Upper Martins Lane  
London  
WC2H 9EG  
Tel: 020 7379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)  
Web: [www.equity.org.uk](http://www.equity.org.uk)

- |     |   |  |
|-----|---|--|
| 9.  | Institute of Acoustics<br>1974-2020, Silbury Court<br>406 Silbury Boulevard<br>Milton Keynes, MK9 2AF | Tel: 0300 999 9675<br>Email: <a href="mailto:ioa@ioa.org.uk">ioa@ioa.org.uk</a><br>Web: <a href="http://www.ioa.org.uk">www.ioa.org.uk</a>   |
| 10. | Musicians Union<br>60-62 Clapham Road<br>London<br>SW9 0JJ  | Tel: 020 7840 5537<br>Email: <a href="mailto:eastsoutheast@theMU.org">eastsoutheast@theMU.org</a><br>Web: <a href="http://www.musiciansunion.org.uk">www.musiciansunion.org.uk</a> |
| 11. | Security Industry Authority<br>PO Box 74957<br>London<br>E14 1UG<br>United Kingdom                    | Tel: 0300 123 9298<br>Email: <a href="mailto:info@the-sia.org.uk">info@the-sia.org.uk</a><br>Web: <a href="http://Security Industry Authority">Security Industry Authority</a>     |
| 12. | The Portman Group<br>Millbank Tower<br>21-24 Millbank<br>London SW1P 4QP                              | Tel: 07730 525 701<br>Email: <a href="mailto:info@portmangroup.org.uk">info@portmangroup.org.uk</a><br>Web: <a href="http://www.portmangroup.org.uk">www.portmangroup.org.uk</a>   |



## **APPENDIX H**

### **GLOSSARY OF TERMINOLOGY (as used in the Licensing Act 2003 (the Act) and subsequent legislation)**

#### **ANY PERSON**

Is defined as:

- i) a member of the relevant licensing authority (elected councillors);
- ii) any person;
- iii) a body representing any person;
- iv) a person involved in a business;
- v) a body representing any persons involved in such businesses;

#### **CHILD**

Is defined as:

- An individual aged less than 16 years of age.
- A child is unaccompanied if he is not in the company of an individual aged 18 years or over.

#### **ENTERTAINMENT FACILITIES**

- Please see 'Live Music Act 2012'

#### **EXEMPT REGULATED ENTERTAINMENT**

The Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 made changes to certain types of regulated entertainment which would no longer need a licence providing certain conditions are met.

No licence is required for the following activities providing they take place between **08:00 – 23:00** on any day:

- ❖ **a performance of a play** in the presence of any audience of no more than 500 people;
- ❖ **an indoor sporting event** in the presence of any audience of no more than 1,000 people;
- ❖ most **performances of dance** in the presence of any audience of no more than 500 people;
- ❖ **live music** where the live music comprises:
  - a performance of **unamplified live music**;
  - a performance of **live amplified music in a workplace** with an audience of no more than 200 people; or
  - **a performance of live music on licensed premises** which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

**Performances of dance** which are “relevant entertainment” under the Local Government (Miscellaneous Provisions) Act 1982 do not become exempt under the 2013 Order regardless of the size of the audience or the time of day. “Relevant entertainment” is defined under the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

Authorisation for the **performance of dance** under the 2003 Act will be needed for “relevant entertainment” where:

- ❖ the premises are not licensed as a sex entertainment venue under the 1982 Act; and
- ❖ relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion.

➤ See also **LIVE MUSIC ACT 2012 & REGULATED ENTERTAINMENT**

### **HOT FOOD OR HOT DRINK**

Is defined as:

- Food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:
  - i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature; or
  - ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

### **INTERESTED PARTY**

➤ Please see ‘**ANY PERSON**’

### **LICENSABLE ACTIVITIES AND QUALIFYING CLUB ACTIVITIES**

- Are defined in the Licensing Act as:
  - i) the sale by retail of alcohol;
  - ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - iii) the provision of **REGULATED ENTERTAINMENT**
  - iv) the provision of **LATE NIGHT REFRESHMENT**
- For those purposes the following licensable activities are also qualifying club activities:
  - i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
  - ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
  - iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

### **LIVE MUSIC ACT**

The Live Music Act 2012 took effect on 1<sup>st</sup> October 2012 and removed the following as licensable activities:

- Provision of facilities for making music
- Provision of facilities for dancing

- Entertainment of a similar description to provision of facilities for making music or dancing.

The Act also disapplies live music related conditions if the following conditions are met:

- a) there is a premises licence or club premises certificate in place authorising the sale or supply of alcohol for consumption on the premises;
- b) the premises are open for the sale or supply of alcohol for consumption on the premises;
- c) live music is taking place between 8am and 11pm;
- d) if the live music is amplified, there are no more than 200 people in the audience.

Live **amplified** music also ceases to be classed as regulated entertainment if the above criteria are met.

The Live Music Act 2012 has also created a general exemption that live **unamplified** music shall not be classed as regulated entertainment anywhere, regardless of audience size if it takes place between 8am and 11pm.

## **OTHER PERSON**

- See '**ANY PERSON**'

## **PROVISION OF LATE NIGHT REFRESHMENT**

Is defined as:

- The provision of hot food refreshment or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11:00pm and 05:00am, or;
- At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

## **REGULATED ENTERTAINMENT**

➤ Is defined as:

- a) A performance of a play
- b) An exhibition of film
- c) An indoor sporting event
- d) A boxing or wrestling entertainment
- e) A performance of live music
- f) Any playing of recorded music
- g) A performance of dance
- h) Entertainment of a similar description to that falling within paragraph e), f) or g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
- i) The first condition is that the entertainment is provided:
  - (a) to any extent for members of the public or a section of the public

- (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests.
- (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to a profit
- j) The second condition is that the premises on which the entertainment is provided are made available for that purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.

The following activities are examples of entertainment which are not licensable:

- Education – teaching students to perform music or to dance;
- Activities which involve participation as acts of worship in a religious context;
- Activities that take place in places of public religious worship;
- The demonstration of a product – for example, a guitar – in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- Games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);
- Stand-up comedy.

- See also **LIVE MUSIC ACT**
- See also **EXEMPT REGULATED ENTERTAINMENT**

## **RESPONSIBLE AUTHORITY**

- Is defined as:
  - i) the Chief Officer of Police for any Police area in which the premises are situated;
  - ii) the Fire Authority for any area in which the premises are situated;
  - iii) the enforcing authority within the meaning given by section 118 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated;
  - iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
  - v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
  - vi) a body which:
    - a) represents those who, in relation to any such area, are responsible for or interested in, matters relating to the protection of children from harm, and
    - b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;
  - vii) the local Weights and Measures Authority;
  - viii) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated;
  - ix) in relation to a vessel:
    - a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
    - b) the Environment Agency
    - c) the British Waterways Board, or

- d) the Secretary of State
- e) a person prescribed for the purpose of this subsection.

In April 2012 the following were added as Responsible Authorities:

- x) the Licensing Authority
- xi) Local Health Body

In April 2017 the following were added as Responsible Authorities:

- xii) Home Office

**TEMPORARY EVENT**

➤ Is defined as:

The use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence not covering the licensable activity is not in place. Limited to events involving not more than 499 people.

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# Agenda Item 5

<b>Committee(s):</b> Licensing Committee	<b>Date:</b> 26 July 2022
<b>Subject:</b> Gambling Act 2005 Policy Review	<b>Wards Affected:</b> All
<b>Report of:</b> Paul Adams – Licensing Manager	<b>Public</b>
<b>Report Author/s:</b> Name: Paul Adams, Licensing Manager Telephone: 01277312503 E-mail: paul.adams@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Gambling Act 2005 requires local councils to review their Gambling Statement of Policy every three years. A reviewed Statement of Gambling Policy has been produced for consideration by this committee in preparation for consultation.

## Recommendation(s)

**Members are asked to:**

**R1. Agree for the reviewed Statement of Gambling Policy to go out to consultation, and**

**R2. That after consultation, relevant responses are reported to the Licensing Committee for consideration, or**

**R.3 If no relevant responses are received during consultation, then it is recommended the policy be referred to Ordinary Council for the adoption.**

## Main Report

### **1. Introduction and Background.**

- 1.1. The Gambling Act 2005 required the Council as a Licensing Authority to produce a Statement of Principles (Policy). The legislation further requires the Council to review, determine and publish its Statement of Principles with respect to the exercise of its licensing functions every three years.
- 1.2. In compliance with the requirement to review the policy, a draft of the reviewed Statement of Licensing Policy has been prepared and is attached as **Appendix A**.
- 1.3. As part of this review interested parties will be consulted with including licence holders and their representatives, and the public

## **2. Issue, Options and Analysis of Options**

- 2.1. The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current policy expired in January 2016. It is therefore imperative that the Council adopts a reviewed Policy as soon as possible.
- 2.2. The reviewed policy has included the legislative changes in the following areas:
  - Changes to the incidental non commercial lottery made by the Legislative Reform (Exempt Lotteries) Order 2016)
  - Updates to Travelling fairs, unlicensed (permit) Family entertainment centres
  - Changes to the FOBT's in betting shops.
  - Inclusion of Area Profile.

## **3. Reasons for Recommendation**

- 3.1. The adoption of the policy is an Ordinary Council function.
- 3.2. This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Ordinary Council for adoption.

## **4. Consultation**

- 4.1. Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Gambling Act 2005 by Brentwood Borough Council will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.
- 4.2. Consultation will also be undertaken with other stakeholders and with Responsible Authorities which will include, Essex Police; Essex Fire and Rescue; Essex Trading Standards; and The Gambling Commission.
- 4.3. The draft policy will also be published on the Council's website for comments.
- 4.4. The consultation period will run for 6 weeks.

## **5. References to Corporate Plan**

- 5.1. None.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**

**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**



There are no direct financial implications for Brentwood Council arising from this report.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk**

The granting of licences is a legal function of the authority, and the adoption of a revised Statement of Licensing Policy is a statutory requirement under the Gambling Act 2005. The final policy will need to be adopted by Ordinary Council. This review will bring the policy in line with all recent changes to legislation and statutory guidance

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

There are no direct financial implications for Brentwood Borough Council arising from this report.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Corporate Manager, Communities Leisure and Health**

**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The policy will be out for consultation but there is specific requirements within the policy to protect children and vulnerable adults.

### **Health & Wellbeing Implications**

**Name/Title: Jo Cory, Corporate Health & Wellbeing Officer**

**Tel/Email: 01277 312500/jo.corey@brentwood.gov.uk**

There are no direct Health or Wellbeing implications arising from this report.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

**Background Papers**

None.

**Appendices to this report**

**Appendix A** – Reviewed Statement of Licensing Policy.



# Brentwood Borough Council

## Statement of Gambling

### Policy

#### 2022 -2025

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## Foreword to Gambling Licensing Policy Statement

The Gambling Act 2005 provides the legal framework for the licensing and regulation of commercial gambling in this Country. One of the responsibilities placed by the Act on local authorities, is to produce a Gambling Policy Statement. This is the **third** Statement of Licensing Policy produced by Brentwood Borough Council since the law came into effect. It provides the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years **2022 – 2025**.

In applying this policy the Council will not be promoting gambling nor will it be restricting opportunities for individuals who wish to participate in Gambling. The statement simply sets out the principles that Brentwood Council will apply in exercising our licensing functions under the Act. In applying the principles contained in this policy the Council seeks to work in partnership with the gambling industry and other bodies to ensure proper application of the licensing objectives of:

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

This policy has been produced in accordance with provisions of the Act, Regulations and Guidance issued by the Gambling Commission. It will be kept under review and will be amended when issues arise that make change necessary. In making decisions under this policy, the Council as the licensing authority will aim to achieve an effective balance between meeting the objectives of the Gambling Act 2005 and facilitating the sustainable economic growth of the borough.

<p style="text-align: center;"><b>PART A</b> <b>GENERAL</b></p>
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## **1.0 INTRODUCTION**

**1.1** This Statement of Licensing Policy sets out the principles that Brentwood Borough Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as „the Act“), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an “Interested Party”;
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

## **2.0 THE LICENSING OBJECTIVES**

**2.1** In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

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

## **3.0 DESCRIPTION OF THE BOROUGH**

**3.1** Brentwood Borough Council is situated in the County of Essex, which comprises twelve Borough Councils and two Unitary Authorities. The council has a population of an estimated 73,600 (2011 census) and covers an area of 15,312 hectares. The main centres of population are in Brentwood, Hutton, Ingatestone and Shenfield. Brentwood is in the London commuter belt situated very close to the M25 and around 20 miles east of the city of London. It holds 4 mainline stations servicing travel into London Liverpool street.

The main shopping areas are situated in and around Brentwood High street, and on a smaller scale Shenfield Broadway and Ingatestone High street. The remainder of the borough is residential developments surrounded by open countryside and woodland.

Since 1978, Brentwood has been twinned with [Roth](#) in Germany and with [Montbazou](#) in France since 1994. It also has a relationship with [Brentwood, Tennessee](#) in the United States.

**3.2** There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs and betting shops. There are also a number of registered society lotteries.

**3.3** Because of the nature of the Borough, premises and events that will be licensed under the Act provide an essential contribution to the local economy of the Borough, through tourism, cultural development and regeneration.

#### **4.0 RESPONSIBILITIES UNDER THE ACT**

**4.1** The Act introduced a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.

**4.2** The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Brentwood Council is the Licensing Authority for the Borough of Brentwood.

**4.3** The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-

- operate a casino
- provide facilities for playing bingo or for pool betting
- provide betting or act as intermediaries for betting
- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres
- manufacture, supply, install, adapt, maintain or repair gaming machines
- manufacture, supply, install or adapt gambling machine software
- promote a lottery.

**4.4** The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries.

**4.5** The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:



- In accordance with any relevant codes of practice under Section 24 of the Act
- In accordance with any relevant Guidance issued by the Gambling Commission under Section 25
- Reasonably consistent with the Licensing Objectives (subject to the bullet points above)
- In accordance with the Licensing Authority's Statement of Licensing Policy (subject to the bullet points above).

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

## 5.0 STATEMENT OF LICENSING POLICY

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 5.2 This Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3 This Policy takes effect on ..... ***and replaces the policy previously in force.***

## 6.0 CONSULTATION

- 6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.
- 6.2 The Act requires that the following parties are consulted by the Licensing Authority:
- The chief officer of police for the Authority's area
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 6.3 The other groups and people consulted were:

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

6.4 Consultation took place between [DATE]and [DATE].

6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to Licensing Department or via the Licensing Authority's website at [www.brentwood.gov.uk](http://www.brentwood.gov.uk)

## 7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on [Date to be confirmed] and was published via its website on [Date to be confirmed]. Copies are available on request.

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

## 8.0 DECLARATION

8.1 The Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process, and will adopt the Principles of Better Regulation.

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.

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

## 9.0 RESPONSIBLE AUTHORITIES

- 9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix B. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.
- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:
- the competency of the body to advise the Licensing Authority
  - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
  - the need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.
- 9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, this Authority designates Essex Child Safeguarding Service, for this purpose.

## **10.0 INTERESTED PARTIES**

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

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

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

- 10.2 Interested parties can be persons who are democratically elected, such as Councillors and Members of Parliament. Where appropriate this will include county, parish and town councillors.

Interested parties can also be trade associations, trade unions, residents' associations and tenants' associations. Providing that these people represent those living or having business interests in the area which might be affected, no specific evidence of authorisation is required.

Otherwise, the licensing authority will generally require a third party to produce some form of authorisation to speak on behalf of the interested party.

10.3 Whether a person is an interested party will be determined on a case by case basis. The types of organisations which may be considered to have business interests will be given a wide interpretation.

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

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the complainant. This does not mean the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostels for vulnerable adults
- The catchment area of the premises (i.e. how far people travel to visit)
- Whether the person making the representation has business interests in that catchment area that might be affected

10.5 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious
- It raises issues that relate to Guidance issued by the Gambling Commission
- It raises issues that relate to this policy
- It relates to the Licensing Objectives

## **11.0 EXCHANGE OF INFORMATION**

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

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened
- the guidance issued by the Gambling Commission
- other relevant Legislation and Regulations

11.2 In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A Licensing Authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act

11.3 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose unless required to do so by law.

## **12.0 PUBLIC REGISTER**

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

## **13.0 COMPLIANCE AND ENFORCEMENT**

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice.

This requires that actions should be:

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

- 13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Council's Environmental Health Enforcement Policy.
- 13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities and will have regard to best practice.
- 13.5 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Environmental Health Enforcement Policy. A copy of this document is available on the Council's website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 13.6 As part of its ongoing inspection regime, the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, and the Licensing Authority is unable to obtain the results from the Primary Authority, we would expect this information to be provided by the operator when requested. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of publication of this policy these were:
- Coral – Milton Keynes
  - William Hill – City of Westminster

#### **14.0 DELEGATION OF POWERS**

- 14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix F

<p style="text-align: center;"><b>PART B</b></p> <p style="text-align: center;"><b>PREMISES LICENCES</b></p>
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## **15.0 GENERAL PRINCIPLES**

15.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the 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 thought appropriate.

15.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks and premises used by betting intermediaries;
- Adult gaming centre premises (for category B3, B4, C and D machines);
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

15.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome.

15.4 The Licensing Authorities is required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:

- in accordance with any relevant Codes of Practice (LCCP) under section 24 of the Act
- in accordance with any relevant Guidance issued by the Gambling Commission under Section 25
- reasonably consistent with the Licensing Objectives (subject to the two bullet points above)
- in accordance with the Licensing Authority's Statement of Licensing Policy (subject to the three bullet points above).

### **15.5 Definition of Premises:**

In the Act as 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to

determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

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

The authority takes particular note of the Gambling Commission's Guidance with regard to applications for multiple licences for a building, or those for a specific part of the building to be licensed. The Guidance directs the Authority that 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"; that "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"; and that "Customers should be able to participate in the activity named on the premises licence".

Where considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will consider, as per the Guidance, whether taken as a whole, the co-location of the licensed premises with other facilities may have the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

#### 15.6 **Demand:**

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

#### 15.7 **Location:**

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

With regard to these objectives, it is the authority's policy, upon receipt of any relevant representations to look at specific location issues including:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. school, or vulnerable adult centres in the area
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children



- The size of the premises and the nature of the activities taking place
- Any levels of organised crime in the area

15.8 In order for location to be considered, the authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

15.9 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks
- When applying for a variation of a premises licence
- In any case, undertake a local risk assessment when applying for a new premises licence
- 

15.10 The authority will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area, and how game rules, self exclusion leaflets etc, are communicated to these groups
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, top shops, leisure centres and other areas where children will gather

In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

15.11 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability to staff to offer brief intervention and how the manning of premises affect this
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored
- The layout of the premises so that staff have an unobstructed view of people using the premises

- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines

15.12 The Licensing Authority expects all licensed premises to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.

Such information may be used to inform the decision the authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

#### 15.13 Local Area Profile

Each locality has its own character and challenges. In order to assess applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the authority may publish a local area profile. Brentwood Borough Council has not yet published a local area profile, however the Licensing Authority commits to assisting applicants by providing them such information that they may require when considering their local area risk assessments.

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

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

The Gambling Commission's Guidance to Licensing Authorities states:

'7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

'7.65 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. 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. S201 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

This licensing authority places due regard on these extracts from the Guidance (September 2015 version). The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

#### 15.15 Licensing Objectives:

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

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –** The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to

be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –**  
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**  
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

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

The licensing authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted.

#### 15.16 **Conditions:**

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, the Authority may consider attaching individual conditions related to the licensing objectives.

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

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

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

- Proof of age schemes
- Closed Circuit Television
- Door Supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entrances
- Notices and signage
- The training of staff to deal with suspect truants and vulnerable persons
- Specific opening hours
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizen Advice Bureaux and independent advice agencies

This list is not exhaustive but indicative of examples.

15.17 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:

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

15.18 **Credit:**

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

15.19 **Betting Machines** (See Appendix A for Definition)

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

- 15.20 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:
- the size of the premises
  - the number of counter positions available for person to person transactions
  - the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons
- 15.21 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act.
- 15.22 In all applications where a plan is required to be submitted, the Licensing Authority expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):
- The extent of the proposed licensed area
  - All entry and exit points (including fire exits)
  - CCTV camera positions
  - Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's
  - Any fixed or permanent structures including counters
  - Privacy screens (see also section 21 of this policy)
  - All unlicensed areas under the control of the licensee including any "sterile areas" and toilet and kitchen facilities be they for staff or public use.

## **16.0 PROVISIONAL STATEMENTS**

- 16.1 An application for a provisional statement may be made in respect of premises which the applicant:
- expects to be constructed
  - expects to be altered
  - expects to acquire a right to occupy
- 16.2 The applicant should refer to the Act and the detailed information provided in the Guidance.

## **17.0 REVIEWS**

- 17.1 Application for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.
- 17.3 It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy
- whether the grounds for the request are frivolous or vexatious
- whether the grounds for the request would certainly not cause the Authority to alter/revoke/suspend the premises licence
- whether the grounds for the request are substantially the same as previous representations or requests for a review
- In accordance with any relevant codes of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing Objectives

17.4 In accordance with the Guidance, the Licensing Authority can also initiate a review of a Licence on the basis of any reason which it thinks is appropriate. There is no appeal, other than by way of Judicial Review, against the Authority's determination of the relevance of an application for review.

## **18.0 ADULT GAMING CENTRES**

18.1 An Adult Gaming Centre is defined in Appendix A. Entry to these premises is age restricted.

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

## **19.0 LICENSED FAMILY ENTERTAINMENT CENTRES**

19.1 A licensed Family Entertainment Centre is defined in Appendix A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

## **20.0 CASINOS**

20.1 A casino is defined in Appendix A. Entry to these premises is age restricted.

20.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area.

20.3 Brentwood Borough Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. The Council would consider each application on its own merit.

## 20.5 Casinos and Competitive Bidding

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators that will want to run a casino. In such situations the council will run a competition in line with regulations and codes of practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement of Licensing Policy was adopted this area had not been so enabled.

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

## 20.6 Betting Machines:

20.7 Conditions may be imposed in accordance with paragraphs 15.14, 15.15 and 15.16 above.

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

## 20.9 Credit:

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

## 21.0 BINGO PREMISES

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

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

## 21.3 Credit:

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

## 22.0 BETTING PREMISES

22.1 Betting is defined in Appendix A. Entry to these premises is age restricted.



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

### **23.0 BETTING MACHINES**

23.1 Conditions may be imposed in accordance with paragraphs 15.19, 15.20 and 15.21 above.

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

### **23.2 FIXED ODDS BETTING TERMINALS (FOBT'S)**

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

23.3 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that "privacy screens" will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1. Where an existing licensee adds "privacy screens" a variation application will be required.

### **24.0 TRACKS**

24.1 **A track is defined in Appendix A.** Entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance

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

### **24.3 BETTING MACHINES**

24.4 Conditions may be imposed, in accordance with paragraphs 15.19, 15.20 and 15.21 above.

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

## **25.0 TRAVELLING FAIRS**

25.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the Act.

25.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than ancillary amusement at the fair.

25.3 The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

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

25.5 Fairs cannot be held on a piece of land for more than 27 days per calendar year, regardless of whether it is the same or different travelling fair occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses the administrative boundaries is monitored so that statutory limits are not exceeded.

## **PART C**

### **PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS**

## **26.0 GENERAL**

26.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed

Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be attached.

## **27.0 Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 27.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it can apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 27.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority. Full details can be found in section 15.22
- 27.2 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:
- A **Disclosure and Barring** check for the applicant and the person having the day to day control of the premises
  - Proof of age schemes
  - How the applicant proposes to ensure that children will be protected from harm whilst on the premises
  - Training covering how staff would deal with:
    - unsupervised, very young children being on the premises
    - children causing perceived problems on/around the premises
    - suspect truant children.

In addition, applicants should be able to demonstrate a full understanding of the maximum stakes and prizes (and that staff are suitably trained in this respect).

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

- 28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D via notification to the Licensing Authority.
- 28.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 28.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a Permit.

28.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:

- Adult machines being in sight of the bar
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18
- Appropriate notices and signage
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets **and/or** help line numbers for organisations such as GamCare
- Relevant Codes of Practice issued by the Gambling Commission

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

## **29.0 PRIZE GAMING PERMITS [See Appendix A for definition]**

29.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic **Disclosure and Barring** check for the applicant and the person having the day to day control of the premises; Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises;
  - children causing perceived problems on/around the premises;
  - Suspected truant children.

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).

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

## **30.0 CLUB GAMING AND CLUB MACHINE PERMITS**

- 30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.
- 30.2 Commercial clubs may apply for a club machine permit, subject to restrictions.
- 30.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:
- (a) in respect of gaming machines:
    - No child or young person may use a category B or C machine on the premises;
    - That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.
  - (b) The public, children and young persons must be excluded from any area of the premises where the gaming is taking place.
- 30.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **PART D**

### **OCCASIONAL AND TEMPORARY PERMISSIONS**

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

- 31.1 A 'TUN' is defined in Appendix A
- 31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations issued by the Secretary of State prescribe the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.
- 31.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from

having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

- 31.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 31.5 The Licensing Authority will object to Notices where it appears that there effect would be to permit regular gambling in a place that could be described as one set of premises.

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

- 32.1 Occasion Use Notices are defined in Appendix A. Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 32.2 OUN’s are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

### **33.0 SMALL SOCIETY LOTTERIES**

- 33.1 The definition of a Small Society Lottery is contained in Annex ? and these require registration with the Licensing Authority.

### **34.0 APPENDICIES**

- 34.1 Appendices have been attached to this Statement providing further information and guidance and they are intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority’s policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act, or the guidance or regulations issued under the Act.

**DEFINITIONS**

**Appendix A**

<b>Adult Gaming Centre</b>	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
<b>ATM</b>	Automated Teller Machine (cash machine)
<b>Authorised Local Authority Officer</b>	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
<b>AWP machines</b>	Amusement with Prizes Machines
<b>BACTA</b>	British Amusement Catering Trade Association
<b>Betting Machines</b>	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
<b>Bingo</b>	A game of equal chance.
<b>Casino</b>	An arrangement whereby people are given an opportunity to participate in one or more casino games.
<b>Casino Games</b>	Games of chance that are not equal chance gaming.
<b>Casino Premises Licence Categories</b>	<ul style="list-style-type: none"> <li>a) Regional Casino Premises Licence</li> <li>b) Large Casino Premises Licence</li> <li>c) Small Casino Premises Licence</li> <li>d) Casinos permitted under transitional arrangements</li> </ul>

<b>Child</b>	Individual who is less than 16 years old.
<b>Club Gaming Machine Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
<b>Club Gaming Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.
<b>Conditions</b>	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <li>• Automatic provision</li> <li>• Regulations provided by Secretary of State</li> <li>• Conditions provided by Gambling Commission</li> <li>• Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
<b>Customer Lotteries</b>	<p>Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.</p>
<b>Default Conditions</b>	<p>Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.</p>
<b>Delegated Powers</b>	<p>Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.</p>



<b>Disorder</b>	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>Exempt Lotteries</b>	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery (required to register with Licensing Authorities.</li> <li>• Incidental Non Commercial Lotteries</li> <li>• Private Lotteries</li> <li>• Customer Lotteries</li> </ul>
<b>Exchange of Information</b>	Exchanging of information with other regulatory bodies under the Gambling Act.
<b>External Lottery Manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Gaming</b>	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.

<p><b>Gaming Machine</b></p>	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p>Categories</p> <p><i>Max. Stake Max Prize</i></p> <p>A Unlimited</p> <p>B1 £5     £10000 *</p> <p>B2 £2   £500</p> <p>B3 £2     £500</p> <p>B3A £2   £500</p> <p>B4 £2     £400</p> <p>C £1       £100</p> <p>D – money prize 10p             £5</p> <p>D – non-money prize (other than crane grab machine or a coin pusher or penny falls machine) 30p             £8</p> <p>D – non-money prize (crane grab machine) £1       £50</p> <p>D – money prize (other than a coin pusher or penny falls machine) 10p     £5</p> <p>D – combined money and non-money prize (other than a coin pusher or penny falls machine) 10p     £8 (of which no more than £5 may be a money prize)</p> <p>D – combined money and non-money prize (coin pusher or penny falls machine) 20p       £20 (of which no more than £10 may be a money prize).</p> <p>*with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.</p>
<p><b>Guidance to Licensing Authorities</b></p>	<p>Guidance issued by the Gambling Commission updated 13 May 2021</p>
<p><b>Incidental Non Commercial Lottery</b></p>	<p>A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events</p>

	(commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
<b>Interested Party</b>	<p>A person who:</p> <p>Lives sufficiently close to the premises to be likely affected by the authorised activities</p> <ul style="list-style-type: none"> <li>• Has business interests that might be affected by the authorised activities</li> <li>• Represents persons in either of the above groups</li> </ul>
<b>Large Lottery</b>	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
<b>Licensed Lottery</b>	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
<b>Live Gaming</b>	Gambling on a live game as it happens.
<b>Lottery</b>	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
<b>Lottery Tickets</b>	<p>Tickets that must:</p> <ul style="list-style-type: none"> <li>• Identify the promoting society;</li> <li>• State the price of the ticket, which must be the same for all tickets;</li> </ul>

	<ul style="list-style-type: none"> <li>• State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager; and</li> <li>• State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
<b>Mandatory Conditions</b>	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
<b>Members Club</b>	<p>A club that must</p> <ul style="list-style-type: none"> <li>• have at least 25 members</li> <li>• be established and conducted 'wholly or mainly' for purposes other than gaming</li> <li>• be permanent in nature</li> <li>• not established to make commercial profit</li> <li>• controlled by its members equally.</li> </ul>
<b>Non-commercial event</b>	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
<b>Non Commercial Society</b>	<p>A society established and conducted:</p> <ul style="list-style-type: none"> <li>• for charitable purposes</li> <li>• for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</li> <li>• for any other non-commercial purpose other than that of private gain</li> </ul>

<b>Occasional Use Notice</b>	Betting may be permitted on a 'track' without the need for a full Premises Licence.
<b>Operating Licences</b>	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
<b>Permits</b>	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
<b>Personal Licence</b>	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
<b>Premises</b>	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
<b>Premises Licence</b>	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
<b>Private Lotteries</b>	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society</li> <li>• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises</li> </ul>

	<ul style="list-style-type: none"> <li>Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;</li> </ul>
<b>Prize Gaming</b>	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
<b>Prize Gaming Permit</b>	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
<b>Provisional Statement</b>	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> <li>Expects to be constructed</li> <li>Expects to be altered</li> <li>Expects to acquire a right to occupy.</li> </ul>
<b>Relevant Representations</b>	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
<b>Simple Lottery</b>	An arrangement where: <ul style="list-style-type: none"> <li>Persons are required to pay to participate in the arrangement</li> <li>In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and</li> </ul>

	<ul style="list-style-type: none"> <li>The prizes are allocated by a process which relies wholly on chance.</li> </ul>
<b>Small Lottery</b>	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
<b>Small Society Lottery</b>	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
<b>Society</b>	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
<b>Statement of Principles</b>	Matters taken into account when considering an applicant's suitability for applications for FEC Permits and prize gaming permits.
<b>Temporary Use Notice</b>	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
<b>Track</b>	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.

<b>Travelling Fair</b>	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
<b>Virtual Betting</b>	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
<b>Vulnerable Persons</b>	<p>No set definition, but likely to mean groups to include people who:-</p> <ul style="list-style-type: none"> <li>• Gamble more than they want to;</li> <li>• Gamble beyond their means;</li> <li>• Who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.</li> </ul>
<b>Young Person</b>	An individual who is not a child but who is less than 18 years old.



**Licensing Authority**

<p>The Licensing Authority</p>	<p>Brentwood Borough Council                  Town Hall                  Ingrave Road                  Brentwood                  Essex CM15 8AY</p> <p>01277- 312500  <a href="mailto:licensing@brentwood.gov.uk">licensing@brentwood.gov.uk</a></p>
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**Responsible Authorities**

<p>Essex Police</p>	<p>Licensing Department (Gambling)                  Essex Police                  Braintree                  Essex, CM7 3DJ</p> <p><a href="mailto:licensing.applications@essex.police.uk">licensing.applications@essex.police.uk</a></p>
<p>Essex County Fire and Rescue Services</p>	<p>Basildon &amp; Brentwood SDP                  Fire Station                  Broadmayne                  Basildon                  Essex SS14 1EH</p> <p><a href="mailto:southwestgroupsdp@essex-fire.gov.uk">southwestgroupsdp@essex-fire.gov.uk</a></p>
<p>Essex County Council                  Children's Safeguarding Service</p>	<p>Licensing Applications                  Child Safeguarding Service                  70 Duke Street                  County Hall                  Chelmsford, CM1 1JP</p> <p><a href="mailto:licenceapplications@essex.gov.uk">licenceapplications@essex.gov.uk</a></p>
<p>Trading Standards [Essex]</p>	<p>Information and Business                  Support Team                  Essex Trading Standards                  New Dukes Way Office                  2 Beaufort Road                  Dukes Park Industrial Estate                  Chelmsford</p>

	<p>Essex CM2 6PS</p> <p><a href="mailto:ESHbsnewdukesway@essex.gov.uk">ESHbsnewdukesway@essex.gov.uk</a></p>
The Local Planning Authority	<p>Brentwood Borough Council Town Hall Ingrave Road Brentwood Essex CM15 8AY</p> <p><a href="mailto:planning@brentwood.gov.uk">planning@brentwood.gov.uk</a></p>
<p>The Local Authority with functions related to prevention of risk of pollution of the environment. (Environmental Health)</p> <p>-</p>	<p>Brentwood Borough Council Town Hall Ingrave Road Brentwood Essex CM15 8AY</p> <p><a href="mailto:hoehpps@brentwood.gov.uk">hoehpps@brentwood.gov.uk</a></p>
Gambling Commission	<p>Gambling Commission 4<sup>th</sup> Floor Victoria Square House Victoria Square Birmingham B2 4BP</p> <p><a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></p>
HM Revenue & Customs	<p>The Proper Officer National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p> <p><a href="mailto:nru.betting&amp;gaming@hmrc.gsi.gov.uk">nru.betting&amp;gaming@hmrc.gsi.gov.uk</a></p>

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

### **Premises licences**

A premise's licence is required for any premises where gambling activity is carried out of a type requiring personal and operator's licences to have been issued by the Gambling Commission.

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

Premise's licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries) adult gaming centres and family entertainment centres providing category C gaming machines.

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

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

Premise's licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

### **Bingo, Betting, Arcades (Adult gaming centres & Licensed family entertainment centres)**

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

### **Tracks**

An operator's licence is not required from the Gambling Commission to operate a track but a premise's licence from the Licensing Authority is required. A number of premise's licences may be granted for one track, provided each is for a different part of the track.

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

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

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the premise's licence-holder provided they hold a pool betting operator's licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

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

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

### **Betting machines**

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

### **Gaming machine supply & repair**

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

### **Gaming machines in licensed premises**

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

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

**Fig. 1**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
A	Unlimited	Unlimited
B1	£5	£10000*
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100

D - non-money prize (other than a crane grab machine or coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – Money prize (other than a coin pusher or penny falls machine)	10p	£5
D- combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money can non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

\* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

**Fig. 2**

Type of Authorisation	Machine Categories Permitted						
	A	B1	B2	B3 B3A	B4	C	D
<b>Regional casino (table/machine ratio of 25-1 up to maximum)</b>	Maximum of 1250 machines (subject to a machine/table ratio). Any combination of machines in categories A to D (except for B3A machines).						
<b>Large casino (table/machine ratio of 5-1 up to maximum)</b>	X	Maximum of 150 machines (subject to a machine/table ratio). Any combination of machines in categories B to D (except for B3A machines).					
<b>Small casino (table/machine ratio of 2-1 up to maximum)</b>	X	Maximum of 80 machines (subject to a machine/table ratio). Any combination of machines in categories B to D (except for B3A machines)					
<b>Converted Casino Premises Licence (Pre-2005 Act Casinos)</b>	X	Maximum of 20 machines (no machine/table ratio). Any combination of machines in categories B to D or C or D machines instead (except for B3A machines).					
<b>Betting premises (other)</b>	X	X	Maximum of 4 machines. Any combination of machines in categories B2 to D (except for B3A machines).				
<b>Betting premises (Track)</b>	X	X	As Betting (other), but only if the licence-holder also holds a Pool Betting Operating Licence.				

<b>Bingo Premises</b>	X	X	X	20% of total gaming machines#			Unlimited
<b>Adult gaming centre</b>	X	X	X	20% of total gaming machines #			Unlimited
<b>Family Entertainment Centre Premises Licence</b>	X	X	X	X	X		Unlimited
<b>Family Entertainment Centre Gaming Machine Permit</b>	X	X	X	X	X	X	Unlimited
<b>Club Gaming Permit or Club Machine Permit</b>	X	X	X	Maximum of 3 machines Members clubs – from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D			
<b>Alcohol-licensed premises Automatic entitlement</b>	X	X	X	X	X		1 or 2 machines of category C or D LA must be notified
<b>Alcohol licensed premises Gaming Machine Permit</b>	X	X	X	X	X		As allowed by permit
<b>Travelling fair (no authorisation required)</b>	X	X	X	X	X	X	Unlimited
	A	B1	B2	B3 B3A	B4	C	D

X = category of machines not permitted on this type of premises)

# AGC/Bingo premises in existence before 13 July 2011 or granted between 13/07/2011 and 01/04/2014 may provide 4 or 8 (respectively) category B machines, or up to 20% of the total number if this is greater.

Minimum age of 18 years to use Category A, B and C machines. No age limit on Category D machines.

## Temporary Use Notices (TUNs)

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

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

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

The Licensing Authority should generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### Issue

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

- the Licensing Authority,
- the police,
- HM Commissioners for Revenue and Customs, and, if applicable,
- any other licensing authority in whose area the premises are situated.

The notice must include details of: -

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

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

### Objections

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

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

A hearing must be held before the Licensing Sub-Committee to hear representations from all parties, unless agreement is reached that a hearing is unnecessary, e.g. by modification of the notice, within 6 weeks of the date of the notice.

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

### **Occasional Use Notices (OUNs)**

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

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

OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a betting premises licence for the track.

#### **Issue**

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track.

The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.

#### **Objections**

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



## GAMING PERMITS

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

- Gaming machines in alcohol-licensed premises, member's clubs, unlicensed family entertainment centres (FEC's) and certain other premises, e.g. taxi offices (see '*Other premises*' below);
- Equal chance gaming, games of chance and gaming machines in member's clubs; and
- Prize gaming, e.g. at travelling fairs.

## GAMING MACHINES

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

**Fig. 3**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
B3A	2	500
B4	2	400
C	1	100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D – non-money prize (crane grab machine)	1	50
D – non-money prize (other than a coin pusher or penny falls machine)	10p	5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-Money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

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

**Fig. 4**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or miners' welfare institutes with permits					Maximum of 3 machines Members clubs – from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D			
Alcohol Licensed Premises Automatic Entitlement					1-2 machines LA must be notified			
Alcohol Licensed Premises Gaming Machine Permit					As allowed by permit			
Family entertainment centre (with permit)								Unlimited
Travelling fair								Unlimited

**ALCOHOL LICENSED PREMISES**

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

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

The following paragraphs apply only to those premises.

**AUTOMATIC ENTITLEMENT**

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

An application for a permit is not required but premise's licence-holders must notify their Licensing Authority in writing of their intention to provide the machines, and pay the prescribed fee.

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

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or

both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

## **NEW PERMITS**

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

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

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

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

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

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

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

A permit issued under section 34 that is in force on 1 September 2007 will continue to have effect until its natural expiry date.

Where a 'section 34 permit' for 2 or less machines expires after 1 September 2007, at least 2 months before its expiry the premise's licence-holder must notify the Licensing Authority in writing of their intention to provide 2 (or less) machines and pay the prescribed fee.

Where a 'section 34 permit' for more than 2 machines expires after 1 September 2007, the premise's licence-holder must apply for a new permit at least 2 months before its expiry and pay the prescribed fee. A new permit must be issued for the same number of machines the previous permit authorised.

## **MEMBERS' CLUBS**

The Gambling Act 2005 permits a member's club holding a club premise's certificate issued under the Licensing Act 2003, or miner's welfare institute, to hold a **club gaming permit** allowing participation in equal chance gaming or playing games of chance (see 'Annex A' for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either class B3A, B4, C or D.

The Act also permits a member's club holding a club premise's certificate or a commercial club holding a premise's licence under the Licensing Act 2003 to operate a maximum of 3 machines of either class B4, C or D under a **club machine permit**.

### **New permits**

Applications for a permit for premises already holding a club premise's certificate are subject to a 'fast-track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

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

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

Applications for a permit for premises not holding a club premise's certificate e.g. a commercial member's club with a premise's licence, may be refused by the Licensing Authority on the grounds that the applicant does not fulfil the requirements for a member's or commercial club; the premises are used wholly or mainly by children and / or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities; a permit held by the applicant has been cancelled in the previous 10 years; an objection has been made by the police or Gambling Commission.

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

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

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

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a club gaming permit or club machine permit irrespective of the type of registration previously held.

An application for a new club machine permit must be made at least 2 months before the existing registration expires together with the prescribed fee.

## **OTHER PREMISES**

Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a gaming machine permit under the Gambling Act 2005 and will be unable to operate gaming machines of any kind-

## **UNLICENSED FAMILY ENTERTAINMENT CENTRES**

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

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the **Disclosure and Barring Service (DBS)** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

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

Unlicensed FECs may also offer equal chance gaming under the authority of their gaming machine permit.

## **New permits**

Applications for new permits may be made to the Licensing Authority

## **PRIZE GAMING**

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

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

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the **Disclosure and Barring Service (DBS)** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

### **New permits**

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

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

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

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

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

## **TRAVELLING FAIRS**

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

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

## **LOTTERIES**

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

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

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

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

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

The Licensing Authority will require applicants to declare: -

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

The Licensing Authority may refuse an application if: -

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

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

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

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

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

## **NEW REGISTRATIONS**

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

### **Lottery requirements**

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

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

### **Returns**

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

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society, or its governing body, if it has one,
- is accompanied by a copy of the member's letter of appointment, and include the following details: -
- the dates when tickets were available for sale,
- the dates of any draw and value of prizes, including any rollover,
- the proceeds raised,



- the amounts deducted for prizes and expenses incurred in organising the lottery,
- the amount applied or to be applied to the purposes of the promoting society, and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source/s from which they were paid.

### **EXTERNAL LOTTERY MANAGERS**

External lottery managers require operator's licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## ADVICE FOR THOSE WHO HAVE DIFFICULTY UNDERSTANDING ENGLISH

THE FOLLOWING WORDING IS TRANSLATED INTO SEVERAL LANGUAGES TO ASSIST THOSE WHOSE FIRST LANGUAGE IS NOT ENGLISH.

THE ENCLOSED PAPERS ARE VERY IMPORTANT.  
IF YOU HAVE DIFFICULTY READING OR UNDERSTANDING ENGLISH,  
PLEASE CONTACT SOMEONE WHO CAN HELP YOU IMMEDIATELY.

ALBANIAN	<p><b>Letrat e bashkangjitura jane shume te rendesishme. Nese keni veshtersi per te lexuar ose kuptuar gjuhen angleze ju lutemi kontaktoni dikend per te ju ndihmuar menjehere.</b></p>
ARABIC	<p>الصفحات المرفقة مهمة جدا إذا لديك الصعوبة لقراءة أو فهم اللغة الإنجليزية أرجو أن تتصل بأي شخص الذي بإمكانه أن تساعدك فوراً</p>
BENGALI	<p><b>এই সঙ্গে দেওয়া কাগজপত্র অত্যন্ত জরুরী। আপনার যদি ইংরেজী ভাষা পড়তে বা বুঝতে সমস্যা হয়, তাহলে এমন কারো সঙ্গে যোগাযোগ করুন যে অবিলম্বে আপনাকে সাহায্য করতে পারবে।</b></p>
CHINESE	<p>夾附的文件非常重要。 如果你看不懂英文， 請立即與能夠幫助你的人聯絡。</p>
GUJARATI	<p>આ સાથે બીડલાં કાગળો બહુ જ અગત્યના છે. જો તેની વિગત તમને અંગ્રેજીમાં વાંચવામાં અને સમજવામાં મુશ્કેલી પડતી હોય તો, મહેરબાની કરી કોઈ વ્યક્તિને સંપર્ક કરો જે તમને તુરત મદદ કરી શકે.</p>
	<p>साथ दिए गए कागजात बहुत ज़रूरी हैं। यदि आपको अंग्रेज़ी पढ़ने या समझने में मुश्किल आती है तो कृपया किसी से कहें जो आपकी मदद कर सके।</p>

HINDI	
KURDISH	<p>ئەم پەرانەى ھاوئىچکراون زۆر گرنگن  ئەگەر تۆ گرتت هەيه ئەگەل خويندەنەوہ يان تىگەيشتنى نوسراوى ئىنگلىزى  ئەوا نکايە پەيوەندى بە يەکیکەوہ بکە کە بتوانیت بە زووترين کات يارمەتیت بدات</p>
PUNJABI	<p>ਨਾਲ ਦੇ ਕਾਗਜ਼ਾਤ ਬਹੁਤ ਜ਼ਰੂਰੀ ਕਾਗਜ਼ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ  ਚ ਕੋਈ ਦਿੱਕਤ ਹੁੰਦੀ ਹੋਵੇ, ਤਾਂ ਮਿਹਰਬਾਨੀ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਆਖੋ, ਜੋ  ਤੁਹਾਡੀ ਫੌਰਨ ਮਦਦ ਕਰ ਸਕਦਾ/ਸਕਦੀ ਹੋਵੇ।</p>
TURKISH	<p>İlişikteki kağıtlar çok önemlidir.  İngilizceyi okumakta veya anlamakta zorluk çekiyorsanız size  derhal yardım edebilecek birisiyle lütfen temas kurunuz.</p>
URDU	<p>منسلک کئے گئے کاغذات بہت ضروری ہیں۔  اگر آپ کو انگریزی پڑھنے اور سمجھنے میں کسی دشواری کا سامنا ہے،  تو براہ کرم کسی سے رابطہ کریں جو فوری طور پر آپ کی مدد کر سکے۔</p>

- 1 In relation to licensing functions the panels will decide all applications against which representations have been made and not withdrawn. These are:
- (a)
    - (i) Section 18(3) (Determination of Application for Premises Licence where representations have been made).
    - (ii) Section 31(3) (Determination of Application for Provisional Statement where representations have been made).
    - (iii) Section 35(3) (Determination of Application for Variation of Premises Licence where representations have been made).
    - (iv) Section 39(3) (Determination of Application to Vary Designated Premises Supervisor following police objection).
    - (v) Section 44(5) (Determination of Application for Transfer of Premises Licence following police objection).
    - (vi) Section 48(3) (Consideration of police objections made to Interim Authority Notice).
    - (vii) Section 72(3) (Determination of Application for Club Premises Certificate where representations have been made).
    - (viii) Section 85(3) (Determination of Application to Vary Club Certificate where representations have been made).
    - (ix) Section 105(2) (Decision to give counter notice following police objection to temporary event notice).
    - (x) Section 120(7) (Determination of Application for Grant of Personal Licence following police objection).
    - (xi) Section 121(6) (Determination of Application for Renewal of Personal Licence following police objection).
    - (xii) Section 124(4) (Revocation of Licence where convictions came to light after grant etc.).
  - (b) Any function under Section 52(2) or (3) (determination of application for review of Premises Licence) in a case where relevant representations (within the meaning of Section 52(7)) have been made;

- (c) Any function under Section 88(2) or (3) (determination of application for review of Club Premises Certificate) in a case relevant representations (within the meaning of Section 88(7)) have been made; or
  - (d) Any function under Section 167(5) (Review following Closure Order) in a case where relevant representations (within the meaning of Section 167(9)) have been made.
2. The Licensing Manager be given delegated responsibility for all other functions under the Act.
  3. That the Licensing Manager can following the decision to call a hearing, agree to cancel the hearing if all parties agree one is unnecessary.
  4. That the Licensing Manager in conjunction with the Manager of Legal Services agree that a representation is frivolous, vexatious or repetitious.

## LIST OF CONSULTEES

## Appendix F

The following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy:

- All responsible Authorities for the Gambling Act;
- Elected Members of the Brentwood Council;
- All premises in the borough licensed for the sale or supply of alcohol;
- Businesses known to be supplying gaming machines to premises in the district;
- Religious groups
- Trade Associations including BACTA, the Bingo Association, and the British Beer and Pub Association;
- Voluntary and support groups including Gamblers Anonymous, Trust, GamCare and the Citizens Advice Bureau;
- Licensing Consultants and Legal Advisers in private practice, who requested a copy;
- Brentwood Community Safety Partnership.

In addition to the above, copies of the draft Statement of Gambling Licensing Policy were made available on the Council's website and press releases were arranged.

Essex Police  
Essex Fire & Rescue Services  
Gambling Commission  
Brentwood Borough Council Planning Authority  
Essex County Council Children's Safeguarding Service  
HM Revenue & Customs  
Brentwood Renaissance Group  
Chamber of Commerce  
Federation of Small Businesses  
Current Brentwood Borough Council Licence and Permit Holders issued under the Gambling Act 2005  
Essex County Council Trading Standards  
Members of Brentwood Borough Council  
Parish Councils  
Residents Associations (where known)  
Residents (via Council website and media releases)  
Local schools  
Local faith organisations  
Local doctors

South West Essex Primary Care Trust  
Citizen's Advice Bureau  
Crime & Disorder Reduction Partnership  
GamCare  
Responsibility in Gambling Trust  
Gamblers Anonymous  
Voluntary Sector (through the Council for Voluntary Services)  
Rural Community Council of Essex  
Licensing Solicitors and Licensing Agents  
British Beer & Pub Association  
British Institute of Innkeepers  
Licensed Victuallers Association  
Association of British Bookmakers  
British Amusement Catering Trade Association (BACTA)  
British Casino Association  
Remote Gambling Association  
Bingo Association  
Casino Operators Association  
Business in Sport & Leisure  
Brentwood Youth Team

## USEFUL CONTACTS

## Appendix G

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



## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Planning and Licensing Committee**

### **Planning**

(a) Town and Country Planning Act 1990 and any related legislation including: -

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

- (i) determination of applications for Listed Buildings and Conservation Area consent;
- (ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

- (i) To guide the Council in setting its policy objectives and priorities.
- (ii) To carry out the duties and powers of the Council under current legislation;
- (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
- (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (v) To consider and approve relevant service plans;
- (vi) To comply with the standing orders and financial regulations of the Council;
- (vii) To operate within the budget allocated to the committee by the Council.
- (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

### **Licensing**

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

- i. Trading Requirements
- ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
- iii. Animal Welfare and Security
- iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
- v. Sex establishments (including Sex Entertainment Venues (SEV))
- vi. Pavement Permits
- vii. Charitable Collections
- viii. Camping, Caravan Sites and Mobile Homes
- ix. Scrap Metal
- x. Game Dealers

(e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.