

Statement of Licensing Policy Gambling Act

31 January 2025 – 30 January 2028

July 2024

**Rochford District Council
South Street
Rochford
Essex
SS4 1BW**

**01702 546366
www.rochford.gov.uk**

Key Information	
Author:	Steven Greener, Corporate Manager - Licensing
Accountable Director:	Director of Communities and Health
Responsible Member:	Cllr Andrew Cross
Approval Date:	17/12/2024
Review Date:	01/04/2028

Consultees	
Groups and/or individuals consulted during the development of this Policy:	The policy was reviewed against the guidance issued by the Gambling Commission.
Group and/or individuals consulted on draft Policy:	A public consultation was conducted between 30/07/2024 and 10/09/2024
Policy and Transformation Team Feedback	21/11/2024
Corporate Leadership Team Approval	21/11/2024
Committee Approval	17 th December 2024

Governance	
The Policy applies to:	(List who is covered by this Policy)
The Policy is available on which platforms?	<input checked="" type="checkbox"/> External Policy – Council Website and Intranet <input checked="" type="checkbox"/> Internal Policy - Intranet
The Policy was disseminated to:	(List all services and teams contacted)

Document Control				
Date	Officer Name, title	Version	Action	Amendments (s)
10/07/2024	Steven Greener Corporate Manager, Licensing	7.1		None
21/11/2024	Steven Greener Corporate Manager, Licensing	7.1	Approval at Licensing Committee	None
17/12/2024	Steven Greener Corporate Manager, Licensing	7.1	Approval at Full Council	None

Contents

Foreword	5
1. Introduction.....	6
Description of the District	6
Consultation	6
2. General Principles	7
The Licensing Objectives.....	7
Responsibilities under the Act.....	8
Delegation	9
Statement of Licensing Policy	10
Approval of Policy	10
Declaration.....	10
Disclaimer	10
Responsible Authorities.....	10
Interested Parties.....	11
Considerations in Licensing of Premises	12
Moral Objections/Unmet Demand.....	13
3. Premises Licences	15
Definition of Premises	15
Duplication with other Regulatory Regimes.....	16
Premise Licence Conditions.....	16
Provisional Statements	17
Casinos.....	17
Casinos and Competitive Bidding.....	17
Bingo Premises.....	18
Tracks	18
Adult Gaming Centres and Family Entertainment Centres	19
Travelling Fairs	19
4. Permits.....	20
Unlicensed Family Entertainment Centre Gaming Machine Permits.....	20
Statement of Principles	20
(Alcohol) Licensed Premises Gaming Machine Permits.....	21
Prize Gaming Permits	22
Statement of Principles	22
Members' Clubs and Miners' Welfare Institutes	23

Commercial Clubs	23
5. Temporary and Occasional Use Notices	23
Temporary Use Notices (TUN's)	23
Occasional Use Notices (OUN's)	24
Lotteries.....	24
6. Fees	24
7. Corporate Knowledge	24
8. Appendices	25

Foreword

This is the seventh statement of principles, which is known in this District as the Statement of Licensing Policy (Gambling Act 2005), that the council offers for consultation in accordance with the requirements of Section 349 of the Gambling Act 2005.

Since the adoption of the sixth statement the Gambling Commission has made further suggestions.

This statement sets out the principles that the Council, as the licensing authority for the Rochford District, will apply in carrying out its licensing functions for the three-year period commencing 31 January 2025.

This statement was reviewed in accordance with the requirements of the Gambling Act 2005 and regulations issued under it and in consideration of the Guidance to Licensing Authorities dated September 2015 and relevant Codes of Practice issued by the Gambling Commission.

The revised policy was offered for consultation between xxxxxx 2024 and xxxxxx 2024

The policy was approved by Full Council on xxxxx 2024 and has effect from 31 January 2025 to 30 January 2028.

The Licensing Authority has published appendices to this Statement of Licensing Policy setting out general information and guidance on the various requirements in respect of making applications, the fees payable, making representations, hearings and reviews. The appendices were prepared subject to the Act, guidance and regulations current at the time. They may be amended from time to time and should not be taken as law and readers are advised to seek legal advice where appropriate.

The Gambling Act 2005 gives the Council discretion as to the question of issuing casino premise licences and provides that it may pass a resolution not to issue those licences during each three-year period the Statement of Licensing Policy has effect. Where the Council passes such a resolution, that fact must be published within the Statement of Licensing Policy.

1. Introduction

- 1.1. This Statement of Licensing Policy sets out the principles the Council, as the Licensing Authority under the Gambling Act 2005, proposes to apply in discharging its functions to licence premises for gambling and in respect of:
- 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.

Description of the District

- 1.2. The area is predominantly rural in character with many smaller towns and villages and two main urban centres at Rochford and Rayleigh. It has a population of approximately 87,000 people.
- 1.3. The District offers a wide and developing variety of commerce, culture, history, recreation and dwellings. The transport infrastructure is extensive and expanding, being provided by mainline railway to London and Southend, local bus and taxi services and, currently under development, London (Southend) Airport.
- 1.4. At the time of publication of this policy, gambling in the District is carried out in five (5) premises licensed for betting, one (1) premise licensed as an adult gaming centre and forty five (44) premises consisting mainly of public houses and clubs with permits for gaming machines. There are thirty (33) small lotteries registered within the District.

Consultation

- 1.5. The Gambling Act 2005 requires the Licensing Authority to publish a statement of licensing principles that it proposes to apply when discharging its functions for each three-year period, having consulted with:
- The Chief Officer of Police
 - 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 Gambling Act 2005.
- 1.6. The Licensing Authority consulted on this Statement of Licensing Policy between 30/07/2024 – 10/09/2024 by sending a copy to:
- each of the Responsible Authorities;
 - each public library in the District;
 - each Council office in the District;
 - each Parish Council in the District;

- persons representing interests of persons carrying on gambling businesses;
- persons representing the interests of persons likely to be affected by the exercise of the authority's function under the Gambling Act 2005;
- and by placing a copy of the policy on the Council's website.

1.7. This Statement of Licensing Policy has effect from 31 January 2025 – 30 January 2028.

1.8. The Gambling Act 2005 requires the Licensing Authority to monitor, review and, where appropriate, amend its statement and then republish it. The Licensing Authority will consult with those groups mentioned in paragraph 1.6 prior to amending any part of the statement. Appendix B is a list of consultees.

2. General Principles

The Licensing Objectives

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.

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

- 2.2. Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.
- 2.3. Where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.
- 2.4. 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 Gambling Act.

Ensuring that gambling is conducted in a fair and open way

- 2.5. The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way as this is a matter more appropriate for the Gambling

Commission.

- 2.6. The Licensing Authority notes however that, in relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

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

- 2.7. The Licensing Authority considers this objective to mean preventing children from taking part in gambling, as well as restrictions on advertising so that gambling products are not aimed at or are, particularly attractive to children.
- 2.8. The Licensing Authority will consider whether specific measures, e.g. supervision of entrances/machines, segregation of areas etc. are required at particular premises with regard to this licensing objective, each case being dealt with on its own merits.
- 2.9. In considering applications in respect of premises, the Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective. The Authority will have regard to any relevant Codes of Practice issued by the Gambling Commission when considering specific premises, such as casinos.
- 2.10. The Authority regards the term "vulnerable persons" to apply to people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental health needs, learning disability or substance misuse relating to alcohol or drugs.

Responsibilities under the Act

- 2.11. The Act has introduced a new licensing regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities.
- 2.12. The Gambling Act 2005 establishes each District and borough council as a Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Rochford District Council is the Licensing Authority for the Rochford District.
- 2.13. The Gambling Commission are responsible for issuing operator's and personal licences to persons and organisations who:
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling software; or
 - promote a lottery.

2.14. The Licensing Authority is responsible for a number of functions including:

- The issue of premises licences in respect of premises where gambling activities are to take place.
- The issue of provisional statements.
- The issue of club gaming permits and/or club machine permits to members' clubs and miners' welfare institutes.
- The issue of club machine permits to commercial clubs.
- The issue of permits to unlicensed family entertainment centres for the use of certain lower stake gaming machines.
- The issue and regulation of gaming and gaming machines in alcohol licensed premises.
- The registration of small society lotteries.
- The issue of prize gaming permits.
- The receipt and endorsement of temporary use notices.
- The receipt of occasional use notices.
- The provision of information to the Gambling Commission about licences issued (see para 2.50 on information exchange).
- The keeping of registers of the permits and licences issued under these functions.
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

NB: It should be noted that the Licensing Authority's functions do not include matters concerning the National Lottery, Remote Gambling or Spread Betting.

2.15. Applications must be determined in a manner that is reasonably consistent with the licensing objectives.

2.16. 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 it thinks it to be:

- consistent with the Codes of Practice,
- consistent with Guidance issued by the Commission,
- reasonably consistent with the Licensing Objectives,
- in accordance with their Statement of Policy.

2.17. Before the Licensing Authority can consider an application for a premises licence, an operator's licence must have been obtained or applied for from the Gambling Commission.

Delegation

2.18. With the exception of the approval and review of its Statement of Licensing Policy and any other matters prescribed, 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.

Statement of Licensing Policy

- 2.19. The Licensing Authority is required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions.
- 2.20. The statement must be published at least every three years and must also be reviewed periodically and, where appropriate, amended.
- 2.21. The Licensing Authority will consult with those groups mentioned in paragraph 1.5 above prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future three-year period.

Approval of Policy

- 2.22. This Statement of Licensing Policy was approved at a meeting of the full Council on 17th December 2024 and takes effect on 31 January 2025.
- 2.23. Any comments concerning this statement should be sent via e-mail to licensing@rochford.gov.uk or by letter to the Licensing Team, Rochford District Council, South Street, Rochford, Essex SS4 1BW.
- 2.24. This statement will 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 will be considered on its own merit and according to the requirements of the Gambling Act 2005.
- 2.25. The policy can be viewed at the Council's offices or on the Council's website on www.rochford.gov.uk/licensing

Declaration

- 2.26. In producing this Statement of Licensing Policy, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission under the Act and any responses from those consulted on the policy statement.
- 2.27. The Licensing Authority recognises its diverse responsibility under equality legislation and will monitor the impact of their statutory duties through the Council's Equalities & Diversity Policy.

Disclaimer

- 2.28. 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 Rochford District Council's Statement of Licensing Policy (Gambling Act 2005). Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or of the Guidance or Regulations issued under the Act.

Responsible Authorities

- 2.29. The Gambling Act 2005 prescribes the Responsible Authorities that have statutory functions or are considered to be statutory consultees under the Act.
- 2.30. The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. The Authority has applied the following considerations in discharging its responsibility
- 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.
- 2.31. The Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.
- 2.32. Appendix D contains the contact details of all the Responsible Authorities under the Gambling Act 2005.

Interested Parties

- 2.33. Interested Parties can make representations about licensing applications or apply for a review of an existing licence.
- 2.34. The principles the licensing authority will apply to determine whether a person is an interested party are that:
- each case will be decided upon its merits;
 - the authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities,
 - the authority will also consider the Gambling Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 2.35. A person is an Interested Party in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority 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).
- 2.36. Interested Parties can be persons who are democratically elected such as District and parish councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties.

- 2.37. District councillors who are members of the Licensing Committee will not qualify to act in this way.
- 2.38. This Authority will generally require written evidence that a person is authorised to represent an Interested Party.
- 2.39. The Licensing Authority considers that Trade Associations, Trade Unions and Residents and Tenants Associations qualify as Interested Parties where they can demonstrate that they represent persons in paragraph 2.35 (a) or (b).
- 2.40. This authority will not however generally view these bodies as Interested Parties unless they have a member who can be classed as an Interested Party.
- 2.41. In determining if a person lives or has business interests sufficiently close to the premises that 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 nature of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
 - The catchment area of the premises (i.e. how far people travel to visit).
 - Whether the person making the representation has business interests that might be affected in that catchment area.

Considerations in Licensing of Premises

- 2.42. The Licensing Authority will consider whether the grant of a licence or permit will result in issues of crime and disorder or exposing children or vulnerable adults to harm or of being exploited by gambling.
- 2.43. It has been recognised by the Gambling Commission that gambling related harm is a public health issue. Whilst it is a legitimate leisure activity for many, there are a significant number of people who experience significant harm, such as physical and mental illness, due to gambling dependencies. In some cases, the harm can lead to relationship breakdown and criminality. The harm can also be experienced by family members and friends. As part of the local risk assessments, operators will be required to consider practices and procedures to help address the potential harm.
- 2.44. Since April 2016, gambling operators must undertake a local risk assessment for the premises as part of the application process. Risk assessments are to be kept at the individual premises and made available to the authority for inspection. The risk assessment may wish to consider the following points when assessing the risks:

- the procedures in place to conduct age verification checks and/or a proof-of-age scheme, where premises are subject to age restrictions;
- physical security features in the premises, e.g. the position of cash registers, CCTV installation;
- the design and layout of the premises, including physical separation of areas and location of entrances/entry points;
- door supervision and supervision of entrances/entry points and machine areas;
- training given to staff appropriate to the premises;
- notices or signage;
- specific opening hours;
- Demonstrate how the Operator will regard local risks and concerns and protect local vulnerable groups.
- Consideration to the location of services for children and vulnerable groups shown on the area profile <https://www.rochford.gov.uk/betting-gaming-and-lotteries>
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- The layout of the premises so that the staff have an unobstructed view of the persons using the premises.
- Arrangements for monitoring and dealing with underage persons and vulnerable persons which may include the use of self barring schemes, leaflets, posters, help line numbers for organisations such as GamCare (<https://www.gamcare.org.uk/our-work/awareness-training/problem-gambling-awareness/>).

2.45. The Licensing Authority will give favourable consideration to licence applications resulting from re-siting of premises within the same locality and extensions in order to enhance the quality of facilities provided but this is without prejudice to the determination of any planning application that may be required.

Moral Objections/Unmet Demand

2.46. Moral objections to gambling are not a valid reason to reject applications for premises licences and unmet demand is not a criterion for a Licensing Authority to consider.

Location

2.47. The question of where a premise is located will only be considered by the Authority within the context of the licensing objectives and each application will be decided on its own merit.

Exchange of Information

2.48. 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 Gambling Act 2005, which includes the provision that the
- Data Protection Act 1998 will not be contravened;

- the guidance issued by the Gambling Commission;
- the Data Protection Act 1998;
- the Human Rights Act 1998;
- the Freedom of Information 2000;
- the Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- the Electronic Communications Act 2000
- Computer Misuse Act 1990
- Criminal Procedure and Investigations Act 1996
- Crime and Disorder Act 1998.

2.49. Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail of:

- record of data disclosed;
- project chronology; and
- notes of the meeting with other partners and recent correspondence from phone calls.

Public Licensing Register

2.50. 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.

Enforcement

2.51. 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 as promulgated by the Better Regulation Executive and the Hampton/McCory Reviews will endeavour to be:

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

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

- 2.53. Where a single point of contact has been supplied by the operator of a number of premises within Rochford District, the Authority will endeavour to contact that person first in respect of any enforcement issues that might arise.
- 2.54. The main enforcement and compliance role of the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences, Permits and Registrations that it issues.
- 2.55. Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were the following Primary Authority arrangements with host local authorities:
- Ladbrokes/Corals/Welcome Break - Milton Keynes
 - Paddy Power/William Hill/BACT/MOTO - Reading
- 2.56. The Gambling Commission is the enforcement body for Operator and Personal Licences and for concerns about the manufacture, supply or repair of gaming machines.
- 2.57. 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.
- 2.58. The Licensing Authority's enforcement/compliance protocols and written agreements and details of the risk-based approach to inspection will be available by contacting the Licensing Team, Rochford District Council, 3–19 South Street, Rochford, SS4 1BW, phone 01702 318148 or by email to: licensing@rochford.gov.uk

3. Premises Licences

- 3.1. Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions or to attach others, where it is thought appropriate.
- 3.2. Licensing Authorities are required by the Gambling Act to aim to permit the use of premises for gambling so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Authority's Statement of Licensing Principles.

Definition of Premises

- 3.3. A premise is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of the building can be properly regarded as being separate premises which will always be a question of fact in the circumstances that will be considered in light of

guidance issued by the Gambling Commission.

- 3.4. The Authority does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 3.5. Where applications are submitted for multiple licences for a building or for a specific part of a building to be licensed, the Authority expects that entrances and exits from a part or parts of a building covered by one or more licences should be separate and identifiable. This is to ensure a separation of different premises and that people do not 'drift' into a gambling area from another area. that is not.
- 3.6. 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, and will consider, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act.
- 3.7. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should be prohibited under the Act.

Duplication with other Regulatory Regimes

- 3.8. Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning or Building Control consent, in its consideration of it.

Premise Licence Conditions

- 3.9. The Act provides that licences may be subject to conditions in a number of ways:
 - they may attach automatically, having been set out on the face of the Act
 - they may attach through regulations made by the Secretary of State or Scottish Ministers
 - they may be attached to operating and personal licences by the Gambling Commission
 - they may be attached to premises licences by licensing authorities.
- 3.10. Any conditions attached to premises licences will be appropriate, proportionate and will be:
 - only considered where there is clear evidence of a risk to the licensing objectives that is not adequately addressed by the mitigation measures proposed in the applicants risk assessment
 - relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 3.11. Decisions upon individual conditions will be made on a case-by-case basis.

Consideration will be given to using control measures, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. should

there be a perceived need.

- 3.12. Where an applicant is suggesting its own conditions and ways of meeting the licensing objectives, this should be recorded within the risk assessment where the applicant will identify risks to the licensing objectives in the local area and will be expected to outline in their policies and procedures measures they propose to put in place to mitigate the identified risks.
- 3.13. The Licensing Authority will not refuse an application for a premises licence where relevant objections can be dealt with by use of appropriate conditions.
- 3.14. For buildings subject to multiple premises licences, the Licensing Authority will consider specific measures that may be required, such as:
- the supervision of entrances;
 - segregation of gambling from non-gambling areas frequented by children; and
 - the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.
- 3.15. It is noted that the Licensing Authority cannot attach conditions to premises licences that:
- makes it impossible to comply with an Operating Licence condition;
 - relate to gaming machine categories, numbers or method of operation;
 - provide that membership of a club or body be required;
 - relate to stakes, fees or winning of prizes.

Provisional Statements

- 3.16. The Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with Planning or Building Law.

Casinos

- 3.17. As provided by Section 166 of the Gambling Act 2005, the Licensing Authority has resolved not to issue casino premise licences for the three-year duration of this policy.
- 3.18. This decision was taken following consideration of the current regulations in respect of casino licences, the government criteria for authorities to issue such licences and responses to the consultation process carried out in preparation of this policy.
- 3.19. This matter will continue to be reviewed as part of the on-going review process of the Statement of Licensing Policy.

Casinos and Competitive Bidding

- 3.20. The Licensing Authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino there are likely to be a number of operators which will want to run a casino.

- 3.21. If such situations arise in the future, this Authority will run a competition in line with Regulations and Codes of Practice issued under the Gambling Act 2005 by the Secretary of State.

Bingo Premises

- 3.22. Bingo premises are not generally age-restricted, although certain areas within them may be, e.g. where machines of Category C or above are situated.
- 3.23. The Licensing Authority will consider any further guidance to be issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

Credit and Cash Dispensers

- 3.24. Credit facilities are prohibited from being provided.
- 3.25. Cash machines may be installed in licensed premises but the Licensing Authority may apply conditions on their siting where they are installed in bingo premises.

Betting Offices and Machines

- 3.26. The Licensing Authority can restrict the number of betting machines (a machine designed or adapted for use to bet on future real events, these are not gaming machines), their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence.
- 3.27. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority will consider:
- each application its own merit;
 - 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;
 - evidence that such machines have been or are likely to be used in breach of licensing objectives;
 - the relevant Codes of Practice or Guidance issued under the Gambling Act 2005 by the Secretary of State.
- 3.28. In addition, details of GAMCARE and the facilities offered will be included in the appendices to the policy, on the Council's website and also made available in Council reception areas.

Tracks

- 3.29. Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 3.30. The licensing authority will consider the need to ensure that entrances to each type of premises are distinct and that children are prevented from entering gambling areas where

they are not permitted.

Adult Gaming Centres and Family Entertainment Centres

3.31. The Licensing Authority will consider the need to apply appropriate conditions in respect of delineating any area containing Category C machines from other forms of amusement.

Representations and Reviews

3.32. Responsible Authorities (including the Licensing Authority) and Interested Parties may make representations in respect of applications for the grant or variation of a premise's licences and may apply for review of a premises licence.

3.33. For the purposes of exercising the Licensing Authority's discretion, the persons authorised to make representations and apply for reviews of a premises licence are:

- Members of the Licensing Authority, other than Members of the Licensing Committee, and
- the staff of the Council's Licensing Team.

3.34. The Licensing Authority may determine that a representation:

- is frivolous or vexatious,
- will certainly not influence the Authority's determination of the application or review or wish to alter/revoke/suspend the licence.

3.35. The Licensing Authority may reject an application for review of a premises licence if they determine the grounds for the review:

- do not raise a relevant issue to the principles contained in paragraphs 2.1 – 2.10 above;
- are frivolous or vexatious;
- will certainly not cause the Authority to alter/revoke/suspend the licence;
- are substantially the same as representations made in respect of the application for the premises licence.

3.36. There is no appeal against the Authority's determination of the relevance of a representation or an application for review.

Travelling Fairs

3.37. No authorisation is required for a travelling fair as there is no limit on Category D machines.

3.38. The Licensing Authority will also consider if the applicant falls within the statutory definition of a travelling fair.

3.39. It should be noted that the statutory maximum of 27 days for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held regardless of whether or not it is the same travelling fair occupying the land.

3.40. Where the 27-day statutory limit is exceeded, a TUN will have to be issued or Premises Licence applied for, as appropriate.

- 3.41. This Licensing Authority will work with our neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

4. Permits

Unlicensed Family Entertainment Centre Gaming Machine Permits

- 4.1. A premises licence is unnecessary in respect of premises where gaming machines of Category D only are to be provided. In such cases an application may be made to the Licensing Authority for a permit, but the Authority has to be satisfied that the premises will be wholly or mainly used for making gaming machines available for use.
- 4.2. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.
- 4.3. Where the Licensing Authority intend 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.

Statement of Principles

- 4.4. The Licensing Authority will specifically have regard to those matters contained within Section 2, paragraph 2.43–2.46 concerning matters to be considered in licensing of premises.
- 4.5. 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.
- 4.6. The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as:
- Criminal Record Check from Disclosure and Barring (DBS) checks for staff;
 - staff training in how to deal with suspected truant school children, or unsupervised, very young children on the premises, or children causing perceived problems on/around the premises.
- 4.7. The licensing authority will also expect that:
- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
 - the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - staff is trained to have a full understanding of the maximum stakes and prizes.

(Alcohol) Licensed Premises Gaming Machine Permits

- 4.8. A permit under this section cannot be issued in respect of premises for which a premises licence under the Gambling Act 2005 has been granted.
- 4.9. The holder of a premises licence under the Licensing Act 2003 that authorises the sale and consumption of alcohol on premises, which contain a bar at which alcohol is served but without the requirement that food is also served, is automatically entitled to operate two gaming machines of categories C or D.
- 4.10. In order to do so they must first notify the Licensing Authority of their intention to do so and pay the prescribed fee.
- 4.11. It should be noted that those restaurants that did not seek to remove the restriction on the sale of alcohol with food that applied if they had a restaurant licence under the Licensing Act 1964, will not qualify to an automatic entitlement to gaming machines.
- 4.12. Where a permit has been issued under Section 34 of the Gaming Act 1968, the licence-holder must notify the Licensing Authority at least two months prior to its date of expiry.
- 4.13. The Licensing Authority may issue licensed-premises gaming machine permits authorising the use of any number of categories C or D machines. 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.
- 4.14. Once issued there is no requirement to renew a permit. An annual fee has to be paid.
- 4.15. Where the Licensing 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.
- 4.16. The Licensing Authority may consider removing the automatic entitlement for a permit if:
- provision of the machines is not reasonably consistent with the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of the Act, e.g. machines have been made available other than in a way that complies with requirements concerning their location and operation;
 - the premises are mainly used for gaming;
 - an offence under the Gambling Act 2005 has been committed on the premises.
- 4.17. Where the Licensing Authority consider exercising their powers to remove the entitlement, the permit-holder 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.

Prize Gaming Permits

- 4.18. Prize gaming is gaming in which the nature and size of the prize is not determined by the number of players or the amount paid or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (Note: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission.)
- 4.19. Prize gaming may be carried on in premises under a permit issued by the Licensing Authority.
- 4.20. The Licensing Authority may refuse an application on the grounds that its grant or renewal would not be reasonably consistent with the pursuit of the licensing objectives.
- 4.21. In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 4.22. Where the Licensing Authority intend 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.

Statement of Principles

- 4.23. The Licensing Authority will specifically have regard to those matters contained within Section 2, paragraph 2.43–2.46 concerning matters to be considered in licensing of premises.
- 4.24. 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.
- 4.25. The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as:
- Criminal Record Check from Disclosure and Barring (DBS) for staff;
 - staff training in how to deal with suspected truant school children, or unsupervised, very young children on the premises, or children causing perceived problems on/around the premises.
- 4.26. The Licensing Authority also expects that applicants:
- set out the type/s of gaming that it is intended to be offered;
 - demonstrate a full understanding of the maximum stakes and prizes of the gaming that is permitted, and that staff receive appropriate training in relation to those matters;
 - have no relevant convictions (those that are set out in Schedule 7 of the Act).

Members' Clubs and Miners' Welfare Institutes

- 4.27. Members' Clubs and Miner's Welfare Institutes may apply for either a Club Gaming Permit or Club Gaming Machine Permit.
- 4.28. Club Gaming Permits authorise the provision of equal-chance gaming, games of chance and a maximum of three gaming machines of Category B4, C or D, equal chance gaming and other games of chance (as prescribed in regulations).
- 4.29. A Club Gaming Machine Permit enables the premises to provide a maximum of three gaming machines only, of Category B3a, C or D.

Commercial Clubs

- 4.30. Commercial or proprietary clubs may only apply for a Club Gaming Machine Permit enabling the premises to provide a maximum of three gaming machines only, of Category B4, C or D.
- 4.31. Premises that have work-based members' social clubs, but which may not be licensed to sell or supply alcohol, may apply for a permit. This type of premises includes, for example, those where machines are sited in works' canteens.
- 4.32. Before granting a permit to premises described in the preceding paragraph, the Licensing Authority will need to be satisfied that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age.
- 4.33. Both categories of permits have effect for 10 years. An annual fee has to be paid on the anniversary of the permit's grant.
- 4.34. Appendix G contains further information on gaming in club premises, the application process and additional documentation the Licensing Authority requires in determining the application.

5. Temporary and Occasional Use Notices

Temporary Use Notices (TUN's)

- 5.1. A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises.
- 5.2. The type of activity for which a TUN may be issued is determined by the Secretary of State. Currently, a TUN may only be issued in respect of Equal Chance Gaming.
- 5.3. 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.
- 5.4. 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.

- 5.5. The Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Occasional Use Notices (OUN's)

- 5.6. OUN's apply only to tracks, which 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.
- 5.7. 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.
- 5.8. The Licensing Authority has very little discretion as regards these notices, aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded.
- 5.9. The Licensing Authority will, however, consider the definition of a "track" and whether the applicant is permitted to avail him/herself of the notice.

Lotteries

- 5.10. A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or is exempt from such a licence.
- 5.11. There are four types of exempt lottery:
- An Incidental Non – commercial Lottery.
 - A Private Lottery.
 - A Customer Lottery.
 - A Small Society Lottery.
- 5.12. A Small Society Lottery must be registered with the Licensing Authority.
- 5.13. Local authorities may promote a lottery for the benefit of the community under an operating licence issued by the Gambling Commission.

6. Fees

- 6.1. Rochford District Council's current fees are reviewed annually and published on the Council web site www.rochford.gov.uk

7. Corporate Knowledge

- 7.1. Use the table below to provide a visual display of how this Policy will impact on the delivery of the Corporate Plan.

RDC's Corporate Priorities	Levels of Impact			
	High	Medium	Low	None
Being financially sustainable				✓
Early Intervention				✓
Maximise our Assets				✓
Enable Communities	✓			

8. Appendices

The following Appendices are attached to this policy:

Appendix A – Definitions

Appendix B – Consultees to Statement of Licensing Policy

Appendix C – Delegation of Functions

Appendix D – Responsible Authorities

Appendix E – Representations / Review / Hearings / Appeals

Appendix F – Area Profile Map

Appendix A: Definitions

Term	Description
ATM	Auto teller machine or cash machine.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting	In this Act "betting" means making or accepting a bet on— a) the outcome of a race, competition or other event or process, b) the likelihood of anything occurring or not occurring, or c) whether anything is or is not true.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood: <ul style="list-style-type: none"> ▪ cash bingo, where the stakes paid make up the cash prizes that are won ▪ prize bingo, where various forms of prizes are won, not directly related to the stakes paid.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.]
Conditions	Conditions to be attached to licences by way of:- <ul style="list-style-type: none"> ▪ Automatic provision ▪ Regulations provided by Secretary of State ▪ Conditions provided by Gambling Commission ▪ Conditions provided by Licensing Authority 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.
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default Conditions	Conditions, prescribed in regulations, that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> ▪ Small Society Lottery [required to register with Licensing Authorities. ▪ Incidental Non Commercial Lotteries. ▪ Private Lotteries. ▪ Customer Lotteries.
Family Entertainment Centre (FEC)	<p>There are two types of FEC:-</p> <ul style="list-style-type: none"> ▪ A licensed FEC (ie one with a Premises Licence) has no limit on the number of category C or D machines permitted ▪ An unlicensed FEC (ie one with a Permit) has no limit on the number of category D machines permitted
Fixed Odds Betting Terminals	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBTs have 'touch- screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming & game of chance	<p>In the Act "gaming" means playing a game of chance for a prize. and "game of chance"</p> <p>a) includes—</p> <ul style="list-style-type: none"> i. a game that involves both an element of chance and an element of skill, ii. a game that involves an element of chance that can be eliminated by superlative skill, and iii. a game that is presented as involving an element of chance, but <p>b) does not include a sport</p>
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events, but not including home computers even though users can access online gambling websites.
Guidance to Licensing Authorities	Guidance issued periodically by the Gambling Commission
Incidental Non Commercial	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Members' Club	A club, as defined by the Licensing Act 2003, that must:- <ul style="list-style-type: none"> ▪ Have at least 25 members; ▪ Be established and conducted 'wholly or mainly' for purposes other than gaming; ▪ Be permanent in nature; ▪ Not be established to make commercial profit; ▪ Be controlled by its members equally.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Occasional Use Notice (OUN)	Betting may be permitted on a 'track' by an OUN without the need for a full Premises Licence.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting Tracks	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.

Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> ▪ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; ▪ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; ▪ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	<p>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.</p>
Prize Gaming Permit	<p>A permit to authorise the provision of facilities for gaming with prizes on specific premises.</p>
Regulations or Statutory instruments	<p>Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.</p>
Representations	<p>In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.</p>
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> ▪ The Licensing Authority in whose area the premises is partly or wholly situated ▪ The Gambling Commission ▪ The Chief Officer of Police ▪ Fire and Rescue Service ▪ The Planning Authority for the local authority area ▪ Environmental Health Service for the local authority area ▪ The Body competent to advise on the protection of children from harm ▪ HM Revenue and Customs ▪ Authority in relation to vulnerable adults ▪ Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <p>Full details of Responsible Authorities for the City are contained in Appendix to this Policy.</p>
Skill Machine / Skill with Prize machine	<p>The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes</p>

Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society, or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (where the house could be a gaming machine).
Table gaming	Card games played in casinos.
Temporary Use Notice (TUN)	To allow the use of a premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Vehicles	Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> ▪ gamble more than they want to ▪ gamble beyond their means ▪ who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

Appendix B: Consultees to Statement of Licensing Policy

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

All holders of Premises Licences under the Licensing Act 2003	All holders of Betting Office Licences
All holders of permits for Amusement with Prize machines	Association of British Bookmakers
British Beer & Pub Association	British Casino Association
Capitol Coins Ltd (supplier of gaming machines)	Castle Point and Rochford PCT
Churches Together	Citizens Advice Bureau
Claremont Automatics Limited (suppliers of gaming machines)	Club & Institute Union

Coral Group	Essex County Fire & Rescue Service
Essex County Libraries within the district	Essex Leisure Limited
Essex Police	Gamblers Anonymous
Gambling Commission	GamCare
GamesTec Leisure Limited (suppliers of gaming machines)	Head of Child Protection, Essex County Council
HM Customs & Excise	Manager of Environmental Health Unit, Rochford District Council
Head of Planning, Rochford District Council	Ladbrokes Group
Leisure Link Limited	Parish Councils within the district
Responsibility in Gambling Trust	The Salvation Army
William Hill Limited	

Appendix C: Delegations of Functions

All functions are delegated to Officers except those shown below

Matter to be dealt with	By Whom	When
Setting of fees	Full Council	All Cases
Application for grant or variation of a premises licence	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn
Application for grant of a provisional statement	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn
Application for transfer of premises licence	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn
Application for a provisional statement	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn
Application for review of premises licence	Licensing Sub-Committee	All cases
Determining relevance of a representation	Director of Legal Services	All cases
Licensing authority initiating a review of a premise licence	Director of Legal Services	All cases
Licensing authority making representations in respect of an application for grant or variation of a premise licence	Director of Legal Services	All cases
Issue of temporary use notice	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn

Issue of counter notice	Licensing Sub-Committee	All cases except where statutory limit of 21 days/ year exceeded.
Grant or renewal of club gaming permit or club gaming machine permit	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn
Cancellation of club gaming permit or club gaming machine permit	Licensing Sub-Committee	All Cases
Grant or renewal of a permit for gaming machines in alcohol-licensed premises	Licensing Sub-Committee	Where it is intended to refuse the application.
Increase in number of gaming machines in alcohol-licensed premises	Licensing Sub-Committee	Where it is intended to approve a lesser number of machines than applied for.
Grant or renewal of a permit for an Unlicensed Family Entertainment Centre	Licensing Sub-Committee	Where it is intended to refuse the application.
Grant or renewal of a permit for Prize Gaming	Licensing Sub-Committee	Where it is intended to refuse the application

Appendix D: Responsible Authorities

The Licensing Authority is:

The Licensing Authority
 Rochford District Council
 South Street, Rochford, Essex. SS4 1BW
 Telephone 01702 318148
 Email: licensing@rochford.gov.uk

The Responsible Authorities are:

The Chief Officer of Police Essex Police

Licensing Department (Alcohol & Gambling)
 Blythes Meadow
 Braintree
 CM7 3DJ Telephone: 101 ext 452035
 Email: licensing.applications@essex.police.uk

Guidance from Essex Police on their expectations for licence applications can be found on their website at: www.essex.police.uk/licensing

The Fire and Rescue Authority

Essex County Fire and Rescue Service
 South East Group SDP
 1st Floor Rayleigh Fire Station
 500 Rayleigh Road
 Benfleet
 SS7 3TR Telephone 01376 576740
 Email: southeastgroupsdp@essex-fire.gov.uk

The Local Planning Authority

Rochford Council Offices
South Street, Rochford
Essex. SS4 1BW Telephone 01702 546366
Email: planning.applications@rochford.gov.uk

The Local Authority with functions related to prevention of risk of pollution of the environment:-

The Environmental Health Team

Rochford Council Offices
South Street, Rochford
Essex. SS4 1BW Telephone 01702 546366
Email: environmentalhealth@rochford.gov.uk

The body designated by the Licensing Authority as being competent to advise on the Authority about protection of children from harm.

The Department of Safeguarding for Children. (Child Protection Advisor)

Children's Safeguarding Service
PO Box 11
County Hall
Chelmsford
Essex CM1 1LX
Telephone 01245 341932
Email: licenceapplications@essexcc.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham B2 4BP Telephone: 0121 230 6500

HM Revenue and Customs

Excise Processing Teams
BX9 1GL Telephone: 03000 516023
Email: NRUBetting&Gaming@HMRC.gov.uk

In relation to vessels only, the Navigation Authority having functions in relation to any place where the vessel is or is likely to be while activities are carried on in reliance on a premises licence. For this purpose, correspondence should be sent to:

Surveyor-in-Charge

Maritime & Coast Guard Agency Marine Office

Central Court
1B Knoll Rise
Orpington, BR6 0JA Telephone: 01689 890400

Any further enquiries or assistance can be obtained from the Licensing Authority on the email address or telephone number given above. These addresses were correct at the time of going to press but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing Policy.

Appendix E: Representations / Reviews / Hearings / Appeals

Who can make representations or seek reviews?

Only 'Interested Parties' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence and may seek a review of licences granted.

What are relevant representations?

'Relevant representations' generally fall into two categories – those in relation to an application for the grant or variation of a premise's licence and those for an application to review a premise's licence.

Representations will be relevant if they:

- relate to the promotion of the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice; and
- are made within the prescribed period and have not been withdrawn.

But representations will not be relevant if they relate solely to issues such as demand, planning, traffic congestion, public nuisance or fire. This list is not exhaustive and each case will be judged on its own merits. However, it should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.

The table below lists those provisions about which representations may be made, by whom they may be made and the timescales within which they must be made.

Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Application for premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application for a provisional statement	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application to vary premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application for transfer of premises licence	28 days of receipt of application	Chief of police
Application for review of premises licence	28 days beginning with the day after the day on which	Responsible authorities Interested parties

	application was given to licensing authority.	
Counter notice to Temporary Use Notice*	14 days of receipt of temporary use notice.	Those bodies upon whom the notice must be served
Counter notice to Occasional Use Notice		Licensing authority

* It should be noted that the Licensing Authority must issue a counter notice where the use of the same premises under a Temporary Use Notice or Occasional Use Notice would exceed the permitted limits, which are 21 days per 12-month period in respect of TUN's and eight days per calendar year in respect of OUN's.

Reviews

The Licensing Authority must hold a hearing to review a premise's licence where an application is made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence unless in the opinion of the Licensing Authority the grounds on which the review is sought:

- are not relevant to the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice,
- are frivolous, vexatious or will certainly not cause the authority to revoke, suspend, remove, amend or attach conditions to a licence,
- are 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
 - a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

It should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.

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 Use Notice.

Notices must be sent to each party informing them of the date of hearing at least 10 working days before the day of the hearing in respect of all applications except:

- (a) notices must be sent at least two working days before the day of the hearing for cancellation of an interim authority notice and counter notice to a temporary event notice following police objection, and
- (b) notices must be sent at least five working days before the day of the hearing for review of a premises licence following a closure order, determination of an application for conversion of an existing licence or club certificate and determination of an application by the holder of a justice's licence for the grant of a personal licence.

Copies of the representations must also be given to the applicant, the holder of the premises licence or the club, as appropriate.

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

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
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 licence. Persons who have made relevant representations.
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 licence.
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations. Applicant.
Counter notice following objection to temporary event notice	Seven working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police

Appeals against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

Appendix F: Area Profile Map

A copy of the area profile map can be found via the following link

<https://www.rochford.gov.uk/area-profile-map>

