



Public Document Pack

James Ellis
Head of Legal and Democratic Services

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 13 OCTOBER 2021
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor D Andrews (Chairman)

Councillors R Bolton (Vice-Chairman), K Crofton, M Goldspink, A Hall,
J Jones, T Page, C Redfern, S Reed, D Snowdon, N Symonds and C Wilson

CONTACT OFFICER: KATIE MOGAN

07762 892098

katie.mogan@eastherts.gov.uk

This agenda has been printed using 100% recycled paper

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council provides for public attendance at its meetings and will livestream and record this meeting. The livestream will be available during the meeting on the East Herts District Council website via this link:

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=119&MId=3902&J=2>

If you would like further information, email democratic.services@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Accessing the agenda pack

To obtain a copy of the agenda, please note the Council does not generally print agendas, as it now has a paperless policy for meetings. You can view the public version of the agenda for this meeting on the Council's website in the section relating to meetings of Committees. You can also use the ModGov app to access the agenda pack on a mobile device. The app can be downloaded from your usual app store.

Implementing paperless meetings will save East Herts Council approximately £50,000 each year in printing and distribution costs of agenda packs for councillors and officers.

You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 23 June 2021 (Pages 7 - 14)

To approve the Minutes of the meeting of the Committee held on Wednesday 23 June 2021.

5. Licensing Sub-Committee - 27 May, 14 June, 9 July, 16 July and 17 August 2021 (Pages 15 - 74)

To receive the Minutes of meetings of the Licensing Sub-Committee held on:

27 May 2021

14 June 2021

9 July 2021

16 July 2021

17 August 2021

6. Consideration of the revised draft Licensing Records Points Scheme following consultation (Pages 75 - 96)

7. Consideration of the revised draft Statement of Gambling Principles 2022-2025 following consultation (Pages 97 - 164)
8. Review of Licensing Activity in Quarter 1 of 2021 (Pages 165 - 178)
9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 23 JUNE 2021,
AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton, K Crofton,
M Goldspink, A Hall, J Jones, T Page,
C Redfern, S Reed, D Snowdon, N Symonds
and C Wilson

ALSO PRESENT:

Councillors P Boylan and P Ruffles

OFFICERS IN ATTENDANCE:

Steven King	- Finance Management Trainee
Claire Mabbutt	- Licensing Enforcement Officer
Rosalyn Morris	- Licensing Enforcement Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer

Brad Wheeler - Senior Licensing
and Enforcement
Officer

73 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor Symonds and seconded by Councillor Reed, that Councillor Bolton be appointed Vice-Chairman of the Licensing Committee for 2021/22. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – Councillor Bolton be appointed Vice-Chairman of the Licensing Committee for 2021/22.

74 APOLOGIES

There were no apologies for absence.

75 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all those present back to the Council Chamber following the resumption of in-person meetings.

76 DECLARATIONS OF INTEREST

There were no declarations of interest.

77 MINUTES - 10 MARCH 2021

It was moved by Councillor Goldspink and seconded by Councillor Snowdon, that the Minutes of the meeting

of the Committee held on 10 March 2021 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the Committee meeting held on 10 March 2021 be confirmed as a correct record and signed by the Chairman.

78 LICENSING SUB-COMMITTEE - 29 MARCH AND 6 APRIL 2021

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 29 March and 6 April 2021, be received.

79 CONSIDERATION OF THE RESPONSES TO THE CONSULTATION ON THE DRAFT REVISION OF THE STATEMENT OF LICENSING POLICY 2021-26

The Licensing and Enforcement Service Manager briefly summarised the report. He thanked the respondents to the consultation.

Councillor Wilson said that it was a pity that legislation prevented the Council from advertising licensing applications more widely, in the same way that planning applications were. Members should therefore be active in publicising licensing applications to residents.

The Chairman said that he agreed and had previously delivered letters by hand to notify residents of applications.

Councillor Goldspink and the Chairman said that they were pleased by the number of responses to the consultation, especially given the Committee's concerns over low engagement in the past. The response regarding modern slavery was particularly insightful and interesting.

It was moved by the Councillor Jones and seconded by the Councillor Snowdon that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the report be considered and received; and

(B) the final version of the Statement of Licensing Policy 2021-26 be endorsed for presentation for consideration by the Executive Member for Neighbourhoods.

80 REVIEW AND REVISION OF THE LICENSING RECORDS POINTS SCHEME

Rosalyn Morris, Licensing and Enforcement Officer, briefly summarised the report.

Councillor Wilson referred to the offence of a driver being in possession of illegal drugs while in charge of a licensed vehicle or evidence of drugs or alcohol in the vehicle. He said that this would be a criminal offence and asked to what standard of proof the Licensing Authority would judge this and whether this would

interfere with the work of the Police.

The Licensing and Enforcement Service Manager said that allegations would be decided on the balance of probabilities. Police intelligence could still be considered valid evidence, even if the Police took no further action, as they worked to a higher standard of proof.

Councillor Wilson said that points for the late application for the renewal of a license seemed out of step with the other offences, as this is not something that would put the public at risk.

The Licensing and Enforcement Officer said that this was to encourage drivers to return renewal applications on time and saved Officers spending time chasing applications.

The Service Manager said that each case would be judged on its own merits and there was an appeals process, which meant circumstances such as illness or bereavement would be given due consideration.

Councillor Jones asked about the Licensing Authority's points scheme and how this compared to other local authorities' schemes.

The Service Manager said that practises varied, although the Department for Transport (DfT) recommended using a points system, and Stevenage Borough Council were currently reviewing the Council's scheme with a view to potentially implementing it themselves.

It was moved by the Councillor Crofton and seconded by the Councillor Snowdon that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the report be considered and received; and

(B) Officers be instructed to carry out an 8 week public consultation regarding the proposed changes.

81 LICENSING ANNUAL REPORT 2020-21

Claire Mabbutt, Licensing and Enforcement Officer, briefly summarised the report. She also said that the DfT had implemented the Disclosure and Barring Service (DBS) update service, which should reduce the amount of chasing Officers had been doing to obtain documents from drivers. There was a fast track process to assist drivers who had not worked over the last 12 months or had faced difficulties renewing.

The Chairman said that he was pleased that taxi inspections had continued. He asked about the list of applications decided by the Licensing Sub-Committee.

The Licensing and Enforcement Officer said that the report was for the last financial year and therefore a meeting which related to applications from two Tesco stores was not included, but would be listed in the next report.

Councillor Goldspink and the Chairman said it was clear from the report just how much work had been done and carefully documented, and thanked Officers for their hard work.

Councillor Symonds also thanked Officers for their work regarding a licensing matter in her ward.

RESOLVED – that the report be considered and received.

82 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.28 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 27 MAY 2021,
AT 10.00 AM

PRESENT: Councillor D Andrews (Chairman)
Councillors A Hall and C Wilson

ALSO PRESENT:

Councillors C Redfern

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Mr Nick Gerrard - Applicant

1 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Wilson and seconded by Councillor Hall, that Councillor Andrews be appointed Chairman for the Sub-Committee meeting. After being

put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Andrews be appointed Chairman for the Sub-Committee meeting.

2 APOLOGIES

There were no apologies for absence.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and Officers back to the Council Chamber following the resumption of in-person meetings. He reminded all present of the COVID secure protocols that were in place.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES - 29 MARCH AND 6 APRIL 2021

It was moved by Councillor Hall and seconded by Councillor Wilson that the Minutes of the meetings held on 29 March and 6 April 2021 be confirmed as correct records and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 29 March and 6 April 2021 be confirmed as correct records and signed by the Chairman.

6 APPLICATION FOR A NEW PREMISES LICENCE FOR SILVER LEYS POLO CLUB, MILLFIELD LANE, BURY GREEN, LITTLE HADHAM, HERTFORDSHIRE, 21/0172/PL

The Chairman summarised the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves.

The Senior Licensing and Enforcement Officer presented his report covering an application for a new premises licence under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on 23 March 2021, a new application was received from the applicant on behalf of Silver Leys Polo Club, Millfield Lane, Bury Green, Little Hadham. The application sought permission for the supply of alcohol (for consumption on the premises), Sunday – Friday, 11:00 – 22:00 and Saturday, 11:00 – 23:00.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to, the maintenance of a logbook which would be made available for inspection, allowing adequate access for emergency vehicles, taking adequate fire safety measures, arranging delivery times so as not to create a nuisance for residents and reducing the volume of recorded music after 20:00.

The Senior Licensing and Enforcement Officer said that the report contained an error and he apologised for that – the applicant had agreed additional steps to promote the licensing objectives with Hertfordshire

Constabulary, rather than Environmental Health. These measures included the use of a Challenge 25 policy.

Members were advised that two representations from interested parties had been received which engaged the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives. The representations related to noise and concerns over drink driving.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

The Chairman asked whether the reference to polycarbonate containers was a standard, recognised term. The Senior Licensing and Enforcement Officer confirmed that it was.

The applicant spoke to the application, briefly introducing the club itself. He said that the clientele were not just the upwardly mobile and the club was used by those who may not usually have been able to

play polo. The club had operated largely unnoticed over the last 10-12 years and had successfully used Temporary Events Notices (TENs) previously when hosting tournaments.

The applicant said that he was familiar with a resident who had made representations. They had previously had concerns the club were breaching lockdown restrictions, which was found not to be the case, and some years before the clock at the clubhouse had been quietened at the request of this resident. Although the use of a tannoy was not a licensing matter, this would only ever be used 11:00 – 17:00. There had been one incident at the club where some guests had gained access to the club house after hours and played loud music, although this was reported almost immediately and the electricity supply to the building had been turned off within ten minutes. The police had no record of complaints following every event and had not objected to the application. It was unlikely that clientele would drink drive following events, given that they generally arrived in lorries with their horses, which were expensive to acquire and upkeep.

The applicant said that applying for this licence would actually be more restrictive on the club in comparison to the terms of TENs, but this was not of concern due to the small scale of their events. Residents also had the applicant's telephone number, and a number was advertised on the club's website, should residents have a complaint about noise or any other matter.

The Senior Licensing and Enforcement Officer asked

the applicant why he had requested the licence on Sundays until 22:00, given that the club closed at 20:00.

The applicant said that the polo matches were generally concluded by 18:00, so he would be happy to agree to restrict the licence to 20:00 on Sundays.

At the conclusion of the closing submission, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee had taken into account the concerns of the interested parties. The Sub-Committee decided to grant the application, subject to additional conditions.

Additional Conditions:

- The sale of alcohol on Sundays is permitted 11:00 – 20:00.
- All retail sales of alcohol will cease 30 minutes prior to closing.

In coming to its decision, the Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the four licensing objectives. The Sub-Committee noted that the applicant had previously used Temporary Events Notices to run events successfully. The Sub-Committee also noted that

contact details for senior staff were available to residents on the premises' website. By agreeing to grant the licence, the Sub-Committee was satisfied that conditions were readily enforceable.

RESOLVED – that the application for a variation of a Premises Licence for Application for a New Premises Licence for Silver Leys Polo Club, Millfield Lane, Bury Green, Little Hadham be granted, subject to additional conditions.

Additional Conditions:

- The sale of alcohol on Sundays is permitted 11:00 – 20:00.
- All retail sales of alcohol will cease 30 minutes prior to closing.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate's court.

7 URGENT BUSINESS

There was no urgent business.

The meeting closed at 10.45 am

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 14 JUNE 2021, AT
2.00 PM

PRESENT: Councillor J Jones (Chairman)
Councillors M Goldspink and T Page

OFFICERS IN ATTENDANCE:

Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Deepak Jaiswal	- Applicant
Rebecca Ingram	- Applicant's Legal Representative
Terry Betts	- Interested Party
Fiona Nicholas	- Interested Party

8 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Goldspink and seconded by Councillor Page, that Councillor Jones be appointed

Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Jones be appointed Chairman for the meeting.

9 APOLOGIES

There were no apologies for absence.

10 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that item 7 on the agenda was no longer to be heard as the application had been satisfactorily resolved.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 APPLICATION FOR A NEW PREMISES LICENCE FOR PROOVE, 2ND FLOOR, 3 PARLIAMENT SQUARE, HERTFORD, HERTFORDSHIRE, SG14 1EX (21/0201/PL)

The Chairman summarised the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves.

The Senior Licensing and Enforcement Officer presented his report covering an application for a new premises licence under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on 1 April 2021, Dough Bites Four Ltd submitted an application

for a new premises licence at Proove, 2nd Floor, 3 Parliament Square, Hertford, SG14 1EX. The application - which had been revised since the report was produced, following discussions with the Licensing Authority and Responsible Authorities - sought permission for the supply of alcohol for consumption both on and off the premises and recorded music, Sunday – Wednesday, 12:00 – 00:00 and Thursday - Saturday, 12:00 – 01:00. It also sought permission for the provision of late night refreshments, Sunday – Wednesday, 23:00 – 00:30 and Thursday - Saturday, 12:00 – 01:00.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to the provision of SIA registered door staff, an internal and external CCTV system, with footage retained for 31 days, and a Challenge 25 policy. The applicant had agreed further conditions with Environmental Health and Hertfordshire Constabulary.

Members were advised that representations had been received from the Local Ward Councillor and 12 residents acting as interested parties, which engaged the prevention of public nuisance, the prevention of crime and disorder and public safety licensing objectives. The representations related to noise nuisance for neighbours and anti-social behaviour, as well as a lack of transport for those leaving the premises in the early hours.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing

objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

Councillor Page asked whether the licence was for the whole or part of the second floor.

The applicant's legal representative said that the licensed area would be most of the second floor, although there was a plant room and store room. She also indicated that the applicant's intention was to move the store room by installing a stud wall. This would provide a buffer between the area where customers were and the party wall. This stud wall would also likely be where any acoustic installations would be to prevent sound transference, which would likely circumnavigate any heritage issues regarding the building.

Mr Betts (interested party) suggested that it would have been useful for Members to have conducted a site visit to see the issues regarding party walls. The times of the original application would have been much too disruptive to residents, especially a licence until 02:00. He said that as the buildings involved were

listed, it would have been preferable for the applicant to withdraw the application whilst an acoustic consultant inspected the premises to consult on whether it was feasible to reduce sound transference given the heritage concerns. The times of the application, even with reduced licensed hours, still exceeded the Licensing Authority's policy on hours that would generally be granted.

The Chairman said that the Sub-Committee's business was licensing, and it could not decide the application based on planning concerns, although this aspect would be considered separately by the relevant service.

The applicant's legal representative gave a brief overview of the applicant's prior experience of operating at similar premises across the country and said he had always aimed to be a good neighbour. The ground floor of the building was also being refitted, but this was a separate premises, although the two would interact. The second floor might be used as an overflow for customers to have a drink whilst they awaited a table in the restaurant below, for example. The premises was not to be a night club as had been a concern for some residents. A range of beers, wines and cocktails would be served, as well as small plates of food. Music would likely be louder than what could be considered background music, which was why the application for recorded music was made, but guests would be seated with no space for them to dance.

The applicant's legal representative presented those present with a document which showed all of the

additional conditions the applicant was offering on order to alleviate the concerns highlighted in the representations. They were:

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 - d. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised officer recent date or footage with the absolute minimum of delay when requested.
 - e. Any faults with the CCTV system must be recorded in writing and must be rectified without delay

2. On a Friday and Saturday night and nights leading into a Bank Holiday, 1 member of SIA

- registered door staff shall be employed at the premises from 21:00 hours and 2 members of SIA registered door staff from 22:30 hours until close.
3. At all other times, SIA registered door staff shall be employed in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
 4. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - i. The number of door staff on duty;
 - ii. The identity of each member of door staff;
 - iii. The times the door staff are on duty.
 5. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
 6. The sale of alcohol for consumption off the premises shall be limited to consumption in any delineated external area at the premises.
 7. The Premises Licence Holder or Designated Premises Supervisor to ensure that all management and staff are fully trained and briefed on the four licensing objectives, Challenge 25, the conditions on this licence, policies referred to in this licence. Also, any other Police initiatives, such as CSE. The training must be given to a new member of staff before they commence employment. Every 6 (six) months all management and staff are to be given refresher training and this is to be documented in such a

way that it can be given to an authorised officer on request. Staff should also sign documentation confirming the training has taken place and the date.

8. A written record of all refused sales shall be kept on the premises. It must include details of the member of staff who refused service, time and date it occurred and the reason for refusal. The record shall be made available to Police and/or local authority immediately upon request and shall be kept for a least one year from the date of last entry.
9. A written drugs policy, approved by a Police Licensing Officer, to be in place and a copy available at the premises. The policy must cover as a minimum, the measures taken to minimise the possibility of drug use or supply within the premises. The Policy must be followed at all times.
10. The Licence Holder shall actively participate in the Pubwatch Scheme, including attending the meetings, participating in radio link, and supporting the Pubwatch banning systems including keeping records and sharing information with the police.
11. No entry or re-entry of customers shall be permitted to the premises after 23:00 Sunday to Wednesday and 00:00 Thursday to Saturday. This Condition does not apply to customers re-entering having visited the smoking area outside, or to customers where there are medical or safeguarding concerns, or where customers are re-entering specifically to wait for onward travel. This is to be managed and enforced by SIA's and

- the Premises Manager.
12. A first aid box will be available at the premises at all times.
 13. Regular safety checks shall be carried out by staff.
 14. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
 15. The capacity of the premises in line with the fire risk assessment is to be 60 persons.
 16. The premises shall maintain an incident log and public liability insurance. The incident log shall be maintained to record any activity related to drugs or of a violent, criminal or serious anti-social nature and be available for inspection at all times (when the premises is open) by an authorised officer of relevant responsible authority, it should record the following details:-
 - a) Time and date and nature of the incident,
 - b) People involved
 - c) Action taken
 - d) Details of the person responsible for the management of the premises at the time of the incident.
 17. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
 18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 19. The party wall between the premises and the adjacent residential flats shall be acoustically attenuated as necessary to ensure that noise

- cannot escape from the premises such as to cause a nuisance to residential occupants.
20. The exterior of the building shall be cleared of litter at regular intervals.
 21. The Licence Holder shall erect and maintain in a prominent position at every exit and within the smoking area a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
 22. Doors and windows at the premises are to remain closed after 23:00, save for access and egress.
 23. A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. As a minimum, the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises.
 24. In addition to the dispersal policy, the Premise Licence Holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the premises are due to close. This must include lowering any music, informing people of the approaching closing time, encouraging sensible drinking and ensuring people have time to finish the drinks they have prior to closure.
 25. The emptying of bins into skips and refuse collections will not take place between 23:00 and 07:00.
 26. Until 23:00 hours, the designated smoking area will be within the outdoor seating area on

Parliament Square for the use of customers of the premises. From 23:00 hours until close, the designated smoking area will be to the left of the entrance of the premises (when looking at the premises from outside), and will be delineated by barriers.

From 23:00 hours until close:

- i. No open vessels to be permitted in the smoking area.
 - ii. There are to be no more than 5 (five) people using the designated smoking area at any one time. At all times the smoking area(s) will either have a member of staff or door staff present, or will be monitored by staff or door staff at least every 30 minutes.
27. The age verification policy operated at the premises shall be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Notices advertising that the premises operate a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance(s)/and inside at the premises bar serving area. The only forms of ID that may be accepted shall be:
- a. Proof of age card bearing the PASS hologram logo
 - b. Passport; or

- c. UK photo driving licence
 - d. Military identification
28. Children, under 18 years of age, will only be permitted into the premises with an adult. No children aged under 18 years to be on the premises after 21:00 hours until closing, if alcohol is being served.

The applicant's legal representative said that the representations by Responsible Authorities had been withdrawn, meaning they had no objection, and that the Sub-Committee should give this appropriate weight when deciding the application. Licensed hours applied for had been reduced, meaning that the premises would not be the last open in the immediate area and there would be taxis on hand to take customers home after closing. Outdoor seating on the ground floor could be used by customers from the second floor, but only until 23:00. This provision was the sole reason that the off premises license had been applied for. She also said that the applicant was within his rights to apply for a licence before engaging acoustic experts, as it would not be logical to pay for this work without first knowing if a licence would be granted. Issues regarding heritage had been successfully managed on the lower floor of the building and the applicant was confident this could be done on the second floor.

Members were also advised that whilst there were residents in this area who should be respected, there were many other licensed premises in the area and it should be regarded as 'mixed use' in which a balance

should be struck. For example, all doors and windows would be closed after 23:00. The soft closure measures meant there would be a gradual dispersal of the maximum of 60 customers. After 23:00, the smoking area would be for a maximum of five customers to the left of the entrance to the premises and would be monitored by door staff.

The Chairman asked if the capacity of 60 might be reduced if the store room was moved. He also asked how the capacity was monitored if the premises was connected with the restaurant below.

The applicant said that after 22:30, the upper floor would be inaccessible to customers via the restaurant. Capacity was generally gauged by the amount of free tables available, and would be reduced if necessary due to fire regulations following the interior changes.

Councillor Goldspink asked about condition 6 offered by the applicant and how the delineated external area at the premises would be managed.

The applicant said that after 23:00 the premises' pavement licence was no longer applicable, so no customers would be allowed to leave with alcohol after this time.

Councillor Page asked if there was anything in place to prevent customers leaving the second floor and buying alcohol for consumption off the premises from the ground floor. He also asked about noise from the plant room.

The applicant said that whilst the ground floor did have a license for alcohol sales for consumption off the premises, in practise this was very unlikely as there was a shop close by which was licensed until later and would be considerably cheaper. The plant room had a boiler and extractor which serviced the ground floor, however noise was not an issue. Lots of work to a high standard had been done regarding heritage on the ground floor and the applicant was confident the same could be done on the second floor.

The interested party said that he understood that the passageway on which the applicant planned to have a smoking area may be reopened as access to a hotel.

The applicant's legal representative said that the applicant understood from Hertfordshire Highways that this was unlikely, but in this case he would be comfortable to follow any guidance which the Sub-Committee felt appropriate.

At the conclusion of the closing submission, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee had taken into account the concerns of the interested parties. The Sub-Committee decided to grant the application, subject to additional conditions.

Additional Conditions:

- All of the conditions offered by the applicant, including reduced licensed hours, are agreed, subject to the following amendment:
 - Condition 6, as offered by the applicant, has been amended to include the wording 'up to 23:00'.
- Subject to Condition 19, as offered by the applicant, the applicant is required to engage the services of an expert licensed member of the Institute of Acoustics. Any recommendations suggested by the expert must be completed to the satisfaction of the Licensing Authority and Environmental Health prior to the commencement of the licence.

In coming to its decision, the Sub-Committee considered that the area in which the premises sits is an established base for the night-time economy in Hertford, and the Sub-Committee wished to strike a healthy balance between residents' interests and supporting the night-time economy. Members were satisfied that the offered conditions and additional conditions granted are appropriate to promote the licensing objectives and will address many of the representations received.

RESOLVED – that the application for a variation of a Premises Licence for Application for a New Premises Licence for Proove, 2nd Floor, 3 Parliament Square, Hertford, Hertfordshire, SG14 1EX, be granted, subject to additional

conditions.

Additional Conditions:

- All of the conditions offered by the applicant, including reduced licensed hours, are agreed, subject to the following amendments:
 - Condition 6, as offered by the applicant, has been amended to include the wording 'up to 23:00'.
- Subject to Condition 19, the applicant is required to engage the services of an expert member of the Institute of Acoustics. Any recommendations suggested by the expert must be completed to the satisfaction of the Licensing Authority and Environmental Health prior to the commencement of the licence.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate's court.

13 URGENT BUSINESS

There was no urgent business.

The meeting closed at 4.07 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 9 JULY 2021, AT
10.00 AM

PRESENT: Councillor D Andrews (Chairman)
Councillors A Hall and D Snowdon

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Councillor Steven Brown	- Chairman of Aston Parish Council
Mr Childs	- Local Resident
Andrew Johnston	- Neighbour
Brittany Melley	- Event Manager
Saab Minichiello	- Hertfordshire Constabulary
Mr Andy Newman	- Licensing Consultant
Jon Payne	- Licensing Lawyers

Mr James Rankin	- Barrister
Police Sergeant	- Hertfordshire
Claire Ramirez	Constabulary
Margaret Stanley	- Neighbour
Mr Tom Wilkes	- Premises Licence Holder

14 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Hall and seconded by Councillor Snowden, that Councillor Andrews be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Andrews be appointed Chairman for the meeting.

15 APOLOGIES

There were no apologies.

16 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

17 DECLARATIONS OF INTEREST

There were no declarations of interest.

18 APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR WILKESTOCK, WATERBRIDGE, FROGMORE HILL, WATTON AT STONE, HERTFORD, HERTFORDSHIRE SG14 3RR (21/0239/PLV)

The Chairman summarised the procedure that would be followed during the meeting and all those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his report covering an application for a review of a premises licence under Section 51 of the Licensing Act 2003. The Sub-Committee was advised that on 16 April 2021, an application for a review of a premises licence was made by Sergeant Clare Ramirez of the Community Safety Unit of Hertfordshire Constabulary.

The Sub-Committee was advised that the review was for the premises licence in respect of Wilkestock, Waterbridge, Frogmore Hill, Watton At Stone, Hertford. The application covered a number of issues including errors and inconsistencies in the event management plans provided by the premises licence holder (PLH) from 2017 to 2021 and the PLH's failure to uphold the Licensing Objectives.

The Senior Licensing and Enforcement Officer informed the Sub-Committee that the police had alleged that there were issues that had been brought to the attention of the PLH (Mr Wilkes) which had not been addressed. The police had also indicated that they were in attendance at an event in July 2018 and they had highlighted a number of concerns which were listed at paragraph 3.7 of the report.

Members were advised that the police had also indicated a number of breaches of the premises licence and the police had applied for this review in relation to the following licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

The Senior Licensing and Enforcement Officer said that a further 11 representations in support of the review were received during the 28 day consultation period. One of these representations had been from the local Councillor reporting complaints from neighbouring residents. The Senior Licensing and Enforcement Officer summarised these representations which could be found at Appendix C.

The Sub-Committee was advised that a further 95 comments had been received in support of the PLH which related to licensing objectives. These comments stated that events were run safely and also that the concerns raised by the police had not been witnessed.

The Senior Licensing and Enforcement Officers referred to and summarised a number of other representations that had been made. The Sub-Committee was advised that the PLH had also submitted evidence to dispute the concerns that had been raised.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts Statement of Licensing Policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives. Members should consider if Hertfordshire

Constabulary had provided evidence that the premises undermined the licensing objectives and this should be balanced against the evidence given by the PLH that the licensing objectives would not be undermined.

He said that if Members believed that the evidence showed that the licensing objectives had been undermined then the Sub-Committee should take the minimum steps needed to mitigate the issues. The Sub-Committee could make appropriate changes to the premises licence to promote the four licensing objectives. The Sub-Committee could suspend the licence for up to three months, revoke the licence, remove the designated premises supervisor or make no changes.

The Senior Licensing and Enforcement Officer said that the Members' decision should be evidence based, justified, appropriate for the promotion of the four licensing objectives and proportionate to what the Sub-Committee intended to achieve.

Police Sergeant Clare Ramirez, on behalf of the applicant and the responsible authority, presented a detailed history of the licensing applications made in respect of this site. She referred to a number of police records dating back to August 2009 for Wilkestock. She said that this event had initially commenced under a Temporary Event Notice (TENs) for under 500 people.

Sergeant Ramirez provided a comprehensive history of the licence held by the PLH. She summarised how this licence had been used on the site at Waterbridge, Frogmore Hill, Watton at Stone. She also detailed the

type of events that had been held on the site and the numbers of people that had attended.

The Sub-Committee was advised that larger events carried larger risks and Sergeant Ramirez emphasised the importance of planning thoroughly to reduce the level of risk. She said the police were available to offer advice but it was not the role of the police to plan events and organise them for the applicant.

Sergeant Ramirez referred to inconsistencies with the event management plans and the licensing breaches. She said that the issues that had been raised by the police were not always addressed and the PLH had to be consistently pushed to do that.

The Sub-Committee was advised that the police had a lack of confidence in the PLH. Members were also advised of the inability of the organisers to identify and address risks without relying on the police and there had been a failure to take on board concerns as the site was being used for larger events.

Sergeant Ramirez referred to a document that listed a number of conditions that had been breached and she said that a lot of work had gone into working with the PLH in ensuring that all of the necessary areas were covered by the detailed conditions.

The Sub-Committee was advised that the police expected to have sight of the event management plan (EMP) 3 months before the larger events. Sergeant Ramirez referred to this as a breach of conditions as the EMP was consistently lacking in 2017 in terms of

the information needed by the police to ensure the safe running of events. She referred to numerous emails chasing for missing information and she summarised the work that had gone into getting conditions agreed between the police and the PLH before they were added to the premises licence.

Sergeant Ramirez detailed further examples of conditions being breached and information not being supplied. She referred to significant omissions from event management plans and said that the police had been chasing the PLH for missing information year on year regarding various events on this site. She gave her interpretation of the security deployment plan and she referred to a number of inconsistencies in this documentation.

Sergeant Ramirez highlighted areas of the site that needed to be marshalled but were not covered by the 17 security industry authority (SIA) staff shown on the plans. She said that she did not have the confidence that what was in the documentation would be implemented on the site. Members were shown police body camera footage from a 2018 event held at Waterbridge, Frogmore Hill.

There was a brief adjournment at this point in the proceedings. The meeting reconvened and Sergeant Ramirez commented on the lack of a fire risk assessment. She said that the PLH intended to have this completed internally and Hertfordshire Fire and Rescue were not happy with this position. The Sub-Committee was advised that the fire risk assessment was received by the fire service on 9 June 2021 and

was deemed to be unsuitable on 18 June for an event on 2 July.

Sergeant Ramirez said that it was difficult to assess arrangements being put in place around the provision of a fairground, such as the deployment of SIA staff, as the Police had not been able to establish whether a fairground was being provided at the site.

The Sub-Committee was advised that the PLH had been told by Hertfordshire County Council Highways that Frogmore Hill and Walkern Road were not suitable for use as a pedestrian route for any number of attendees, especially in the hours of darkness. Sergeant Ramirez said that there had been no change to the traffic management plan (TMP) between 2017 and 2019. She said that although the PLH had been advised in 2018 that signage could not be erected without the permission of Hertfordshire Highways, signage had been erected on the highway in 2019.

Sergeant Ramirez spoke at length about the pedestrian issues which had gone on for a significant period of time. She said no plan was in place until the PLH had been pushed and even now, there was no solution for the pedestrians. The Sub-Committee was advised that the pedestrian route away from the site was not suitable for a mass exodus and the PLH needed to produce a plan that was sufficient to get the majority of people away from the site by taxi, shuttle bus or people picking them up privately.

Sergeant Ramirez said that there was no evidence that two medical areas would be provided to ensure that

those presenting with COVID symptoms could be segregated. She referred to a lack of confidence that issues that had been identified by police would be addressed. Members were advised that the PLH had liaised with residents but there had been no engagement with residents who had concerns.

Sergeant Ramirez spoke about police concerns about the exit plans for vehicles and pedestrians on the site. She said that the car park and the pedestrian pick up location was a key area of concern. She continued her submission by highlighting the importance of adequate EMPs being submitted with minimal input from the police.

The Sub-Committee was advised of that there was a lack of detailed plans and risk assessments and a lack of a thorough approach for the event planning for this site. The Police believed that this could not continue now that the events had become significantly bigger. Members were advised that the concerns of residents were not being listened to and measures were not being put in place to mitigate concerns.

Sergeant Ramirez said that it was not the role of the police to review and give advice on the content of EMPs. The police expected adequate EMPs to be produced with the assistance of experts in certain fields. She said that this was something that the PLH had not been able to do despite having ran events for a number of years.

The Sub-Committee was advised that the PLH had not taken the responsibility of ensuring a thorough

approach in identifying risks and managing those risks. Members were advised that the PLH seemed happy to cut corners unless pushed by the police and the police did not feel that this could continue.

There was a brief adjournment at this point in the proceedings. The meeting reconvened and Councillor Snowdon asked Sergeant Ramirez whether the police had considered any other remedies besides the Sub-Committee revoking the licence. He asked Sergeant Ramirez whether she considered revocation to be proportionate. She said that the police had been working with the PLH for a number of years and the PLH had been given a huge amount of time to resolve these issues.

The Sub-Committee were advised that the PLH had not been meeting the conditions on the licence and the police did not believe that adding further conditions would assist. Sergeant Ramirez said that the police had tried to work with the PLH and did not always receive responses. She believed that the PLH was unable to run events safely and revocation was the only way forward.

Councillor Hall asked about the shuttle bus and the time it would take to clear the venue. He asked if there had been any clarity as to the occupancy rate of the shuttle buses. He said that he was mindful of the width of the lanes that led to the site.

Sergeant Ramirez said that she had been assured that the width of the lanes had been considered and the buses could negotiate the lanes to the site. She said

that she had been told that each bus was a 50 seater coach and she had made an assumption that the organiser had spoken to the drivers and the route had been checked as being suitable.

Councillor Andrews asked about the use of the access road for previous events and said that Sergeant Ramirez had alluded to the signage that had been put out. He said that he could find no trace of the Temporary Traffic Regulation Order (TTRO) for any of the previous events.

Sergeant Ramirez said that there had been TTROs in place for the 2019 events. She said however that in spite of the meeting that had taken place at the end 2018, there had not been a TTRO in place for the 2019 Hog Sozzle event. She said that events prior to 2019 had been done unofficially without TTROs.

Mr Rankin, representing the PLH, asked Sergeant Ramirez if she was saying these events were badly run. Sergeant Ramirez said that the events had been badly organised and that it was through luck that issues had not occurred at the festivals.

Mr Rankin asked Sergeant Ramirez whether her complaint was to do with the PLH missing deadlines for the submission of information to the police. Sergeant Ramirez said that was not just the missed deadlines which were set in order to assist the PLH. She said that the deadlines were set months in advance so that the PLH was aware of what was required and when.

Mr Rankin spoke at length about the TTROs and the various colour coded routes that were in place to access the festival site. Sergeant Ramirez responded with her understanding of the colour coded routes that had been agreed as part of the traffic management plan. She disputed a point made by Mr Rankin that a road traffic accident on the day of the Back and Beyond event in 2018 had impacted on the ability of taxis to reach the festival site late in the evening.

Mr Rankin said that the PLH accepted entirely that the car parking arrangements needed adjustment and this had been done. He also accepted that the security company previously employed had not been up to standard and had subsequently been replaced. Sergeant Ramirez said that the reason there had been the problems at the 2018 event portrayed in the video footage was due to lack of planning and foresight by the PLH.

Mr Childs, a local resident, addressed the Sub-Committee in respect of the impact on his property of events at the Waterbridge site. He said that he was directly impacted in terms of vehicle and pedestrian traffic and also the litter that had been thrown into his garden which had included drug paraphernalia. He said that he had seen events increase in size from a small charitable event to full scale commercial events which were not suitable for the site.

Mr Childs said that he 'blushed' at the thought of coaches of any size accessing the site to collect people from the site. He said that the roads were not pleasant to walk in the dark and he referred to the significant

impact of the event on residents. He concluded that the Waterbridge site was not suitable for larger scale commercial events even if they were properly managed.

Mr Childs responded to a number of questions from Sergeant Ramirez and Mr Rankin and also from Councillor Andrews.

Mr Rankin made the case of the PLH and responded to the principle issue raised by Sergeant Ramirez that the PLH missed deadlines for submitted EMPs and other documents. He accepted that at times key deadlines had been missed and he pointed out that there were occasions where deadlines had been met. He referred to the 'high water mark' of the police case being the video of the 2018 event.

He rejected the suggestion that the PLH was incompetent and incapable of running these festivals. He asked the Sub-Committee to look at the conditions on the licence and spoke to the conditions that the police said had been breached.

Mr Rankin referred to dates and times of various submissions that had been made by the police. He said that the SAG meetings had been invaluable and he detailed what had happened at the meeting that had been held on 25 May 2021.

There was an adjournment at 12:50 pm at this point in the proceedings and the meeting reconvened at 1:32 pm. Mr Rankin said that the PLH had addressed every matter that had been listed in the new documentation

submitted by the police. He pointed out that 2 ambulances would be on site and fire risk assessment had been completed by a former chief fire officer.

Mr Rankin gave the Sub-Committee a history of the festival and the reasons it had been started by the PLH, which was to raise money for a number of charities. He said that no festival site was perfect and he commented on the level of support for the festivals at Waterbridge, Frogmore Hill.

Mr Rankin commented on the practical difficulties of providing the names and addresses of all security staff 28 days before an event and also knowing for sure which bands would be playing at a festival. He asked the Sub-Committee whether they could consider amending those conditions. He said that he did not accept that the numbers that were permitted on the site were exceeded at any time.

Mr Rankin emphasised that the 2018 event was not a typical example of how the festival was run. He said that the knock on effect of an accident on the A602 was felt throughout the day. He stated that taxi drivers were not willing to go beyond the Three Horseshoes Pub to drop off and collect those attending the festival. He said that the security company that had been engaged in 2018 had not been able to deliver on promises that they had made and there was no TTRO in place.

Mrs Margaret Stanley, a local resident, addressed the Sub-Committee in response to a number of questions put to her by Mr Rankin. Mr Rankin read out a number

of letters in support of the festivals from the additional evidence bundle he had supplied on behalf of the PLH and from the comments, that he felt where representations. He also read out a series of emails between the PLH and Environmental Health Officers regarding noise management plans and collaborative working practices.

Mr Rankin summarised the evidence of Mr Andrew Newman, a former licensing officer. He drew the Sub-Committee's attention to a statement from Mr Brian Cleary, who had over 35 years' experience of the events and festival sector. Members were also advised that it was Mr Cleary who had instructed the former Chief Fire Officer to conduct the fire risk assessment.

The PLH and Brittany Melley, Event Manager, spoke at length about TTROs and the access and egress arrangements for exiting the site to the bus pick up area and the car park. Britany Melley explained that the medical team would be installing a separate gazebo next to the medical tent for anyone who had symptoms of COVID-19.

The PLH said that he had worked productively with the police. The PLH said that litter picks and were carried out after the events and grass cutting did take place before events. He said that security staff and a sound monitor will be deployed at the property owned by Mr Childs. He also said that the use of single use plastic vessels was being discouraged in 2021.

Mr Steve Brown, Chairman of Aston Parish Council, addressed the Sub-Committee. He talked about the

positive nature of the festival events and the wholehearted support from the village for the events.

Mr Johnston also addressed the Sub-Committee about a number of points in his representation. He talked about the peaceful and relaxed nature of the events. He said that the PLH worked very hard before, after and during the events and did a very good job in respect of clearing up.

There was an adjournment at 3 pm at this point in the proceedings and the meeting reconvened at 3:15 pm. The PLH confirmed to Sergeant Ramirez that he had accompanied Environmental Health Officers all around the festival site with noise monitoring equipment. He said that he was always very cautious with the sound at the festival events.

Sergeant Ramirez put a number of questions to the witnesses that had been called on by Mr Rankin to address the Sub-Committee about the festival events. They responded to her questions.

Councillor Snowdon asked the PLH about his understanding of the purpose of licensing conditions in general. The PLH said that the purpose of the conditions was for them to be followed and adhered too. He accepted that he had not always done that at these events.

Councillor Snowdon said that he did not view the number of conditions on the licence as being unusual. He asked the PLH if he was aware that breaches of conditions could be used by the responsible

authorities to apply for reviews. The PLH confirmed that he was aware and said that he sought to uphold the four licensing objectives before and during the events.

Councillor Snowdon asked the PLH if he understood why the condition was on the licence notification of the artists at an event. The PLH explained his understanding of the reasons for this condition.

Councillor Snowdon said that responsible authorities were not there to help the PLH to plan events. He said that the role of responsible authorities was to check that the organiser of an event of this magnitude was meeting various legal requirements.

The PLH explained in full his interactions with Environmental Health Officers in respect of his noise plans. All of the parties present for the hearing made a final submission in support of the points that they had made during the review hearing.

At the conclusion of the closing submissions, the Chairman adjourned the Sub-Committee hearing and said that the Members would reconvene as soon as was practically possible to make a determination on the review application.

RESOLVED – that the Sub-Committee hearing to determine the application for a review of the premises licence at Wilkestock, Waterbridge, Frogmore Hill, Watton at Stone, Hertford, Hertfordshire, SG14 3RR (21/0239/PLV), be adjourned.

The meeting closed at 3.49 pm

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 16 JULY 2021, AT
11.00 AM

PRESENT: Councillor D Andrews (Chairman)
Councillors A Hall and D Snowdon

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Councillor Steven Brown	- Chairman of Aston Parish Council
Mr Childs	- Local Resident
Andrew Johnston	- Neighbour
Brittany Melley	- Event Manager
Saab Minichiello	- Hertfordshire Constabulary
Mr Andy Newman	- Licensing Consultant
Jon Payne	- Licensing Lawyers
Police Sergeant Claire Ramirez	- Hertfordshire Constabulary

Margaret Stanley - Neighbour
Mr Tom Wilkes - Premises Licence
Holder

19 APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR
WILKESTOCK, WATERBRIDGE, FROGMORE HILL, WATTON
AT STONE, HERTFORD, HERTFORDSHIRE SG14 3RR
(21/0239/PLV)

The Chairman reconvened the hearing that had been adjourned on 9 July 2021. Councillor Snowdon put a question to the premises licence holder and his legal representative regarding their request to consider amending the conditions on the licence and queried whether they had a list of suggested conditions that the Sub-Committee could consider when determining the review application.

The legal representative for the premises licence holder said they did not have a specific list of conditions to give to the Sub-Committee Members but requested a short adjournment to prepare some conditions for Members to consider.

Councillor Andrews asked about the Fire risk assessment and work due to be completed with Hertfordshire Fire and Rescue. The premises licence holder said that Hertfordshire Fire and Rescue were happy with the steps currently being taken. The Sub-Committee was advised that the fire risk assessment was a work in process and advice was being taken from an ex-fire safety Officer.

Councillor Hall highlighted the matter of public safety in reference to a Care Quality Commission (CQC)

report on Pro Medicus, the company that would be providing medical cover for the events due to be held at Waterbridge. He asked the Premises Licence Holder about the due diligence that had been carried out before this company had been chosen.

The events manager for the premises said that Pro Medicus had been recommended by a security company previously used and checks had been undertaken to ensure Pro Medicus was licenced by the CQC.

Councillor Hall expressed concerns that Pro Medicus did not have current and adequate auditing in place. He referred to whether there were sufficient levels of safeguarding training regarding ensuring public safety for events and this information was freely available on their website.

The applicant's legal representative said that all safety matters would be analysed via the Safety Advisory Group (SAG) and the matter of the medical cover would be attended to. The Chairman adjourned the hearing until 11:25 am to allow the premises licence holder and his legal representative to time come back to the hearing with some suggest amendments to the annex 2 conditions for the Sub-Committee to consider when reaching a decision.

At the conclusion of this adjournment, the Sub-Committee, the Council's solicitor and the Democratic Services Officer withdrew to a separate meeting room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Licensing Sub-Committee had considered the report and all of the written and oral representations submitted by the police as the applicant, the premises licence holder and the interested parties.

The Chairman said that Members had given careful consideration to all of the options that were available to the Licensing Sub-Committee and Members had determined to revoke the licence. He said that in reaching this decision, Members have had regard to the Section 182 Guidance issued under The Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Chairman reminded the premises licence holder that a formal written determination would be sent to him in 5 working days and he had a 21 day right of appeal to the magistrates' court once the formal determination had been issued.

RESOLVED – that the premises licence for Wilkestock, Waterbridge, Frogmore Hill, Watton at Stone, Hertford, Hertfordshire, SG14 3RR (21/0239/PLV), be revoked.

20 URGENT BUSINESS

There was no urgent business.

The meeting closed at 1.05 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 17 AUGUST 2021,
AT 2.00 PM

PRESENT: Councillor C Wilson (Chairman)
Councillors R Bolton and C Redfern

OFFICERS IN ATTENDANCE:

Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

John Gudgin	- Applicant
Ben Hudson	- Applicant's Business Partner
Graham Hopkins	- Applicant's Representative
Linda Potter	- Applicant's Representative

21 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Bolton and seconded by
Councillor Redfern, that Councillor Wilson be

appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Wilson be appointed Chairman for the meeting.

22 APOLOGIES

There were no apologies for absence.

23 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

25 MINUTES - 27 MAY, 14 JUNE, 9 JULY AND 16 JULY 2021

It was moved by Councillor Bolton and seconded by Councillor Redfern that the Minutes of the meetings held on 27 May, 14 June, 9 July and 16 July 2021 be confirmed as correct records and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 27 May, 14 June, 9 July and 16 July 2021 be confirmed as correct records and signed by the Chairman.

26 APPLICATION FOR A NEW PREMISES LICENCE FOR BEER SHOP, 26A NORTHGATE END, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2EU

The Chairman summarised the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves.

The Senior Licensing and Enforcement Officer presented his report covering an application for a new premises licence under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on 26 June 2021, Beer Shop Ltd submitted an application for a new premises licence at 26A Northgate End, Bishop's Stortford, Hertfordshire, CM23 2EU. The application - which had been revised since the report was produced, following discussions with the Responsible Authorities - sought permission for the supply of alcohol for consumption both on and off the premises, Monday - Sunday, 10:00 – 22:00 with an extension to 01:00 on New Year's Eve.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to the prevention of rapid and excessive drinking, a CCTV system, a policy that all those under 18 must be accompanied by an adult, and a Challenge 25 policy. The applicant had agreed further conditions with Environmental Health and Hertfordshire Constabulary.

Members were advised that representations had been received from two residents acting as interested

parties, which engaged the prevention of public nuisance and the prevention of crime and disorder licensing objectives. The representations related to potential nuisance for neighbours and anti-social behaviour.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

The applicant's representative briefly introduced the application. The premises had formerly been a retail unit which had fallen into disuse, which would be refurbished by the applicant if the application was granted. The premises would be a mixed use bottle shop and nano-brewery, with customers being able to sit in and taste or purchase beer to consume on site. Most of the premises' business would be generated by off sales or online orders for dispatch. The maximum capacity of the premises was 50 and toilets were available for customers.

Members were advised that, as well as the additional conditions agreed with the responsible authorities, the applicant had offered two further conditions, relating

to a written dispersal policy and making a telephone number available at the front of the premises for residents.

The applicant's representative said that the applicant and his business partner had two other premises in Hertfordshire, with eight years of experience. These premises had been run responsibly and in accordance with the conditions of the respective licenses and this would also be the case at this premises. The customer base would likely be more mature, and not under 25. Real and premium ales would be served, with half pints ranging from £2.65 to £5.60 in cost, which highlighted that this was not a place to drink cheaply or to excess. The licensed hours applied for complied with the Licensing Authority's framework and a 22:00 closing time meant that the premises would not be part of the night time economy. There was a premises very close by which was already licensed until 01:00. No objections had been raised by responsible authorities and the applicant had not received a response when approaching the interested parties to try and resolve their concerns. Residents' concerns over parking, speeding and road traffic collisions should be disregarded as they were not licensing objectives. Similarly, there had been no representations made by the developer or future residents of the new housing development, so this was not relevant. Although this was not an alcohol free area as had been suggested, there was no provision for customers to drink outside in any case, and only around five customers would be permitted to smoke outside at once.

The applicant's representative said that the conditions offered would address the concerns raised by residents. There was no evidential basis to support the suggestion that the premises would cause public nuisance or anti-social behaviour and as such, the Sub-Committee should grant the licence.

Councillors Redfern and Bolton asked why the premises wished to open at 08:30 given it would not be licensed until 10:00.

The applicant said that this gave the premises flexibility to potentially run 'meet the brewer' and other similar session from an earlier time.

Councillor Bolton asked if there were any windows at the rear of the premises. She also asked where waste would be stored in the hours that using outdoor bins would be prohibited and how it would be taken out of the premises thereafter.

The applicant said there were no windows at the rear of the premises. Waste would be taken downstairs to the basement before being taken up and out again during permitted hours.

Councillor Redfern said that another of the applicant's premises in the county closed at 21:00 and asked why the applicant had chosen a 22:00 closing time at this premises.

The applicant said that the conditions of each licence and opening hours varied at each premises.

The Chairman asked whether the applicant expected for the capacity of the premises to be reached regularly. He also asked for a breakdown of expected revenue in terms of on-site and off-site sales.

The applicant said that the maximum capacity was only likely to be reached at peak hours on a Friday or Saturday evening. Around 70% of existing revenue was generated from off-site sales with the rest being made up of on-site sales.

At the conclusion of the closing submission, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee had taken into account the concerns of the interested parties. The Sub-Committee decided to grant the application, subject to additional conditions 1-19 offered by the applicant and agreed with Hertfordshire Constabulary, together with conditions 1-3 offered by the applicant and agreed with Environmental Health and conditions 1 and 11 offered by the applicant at Section 18 of the application. It was to be noted that Police condition 16 was to be merged with Environmental Health condition 3. The Sub-Committee also accepted the two additional conditions offered by the applicant regarding the written dispersal policy and availability of a telephone number to residents.

In coming to its decision, the Sub-Committee believed that the conditions attached to the licence would be sufficient to promote and not undermine the four licensing objectives and would seek to address the concerns raised by the interested parties.

RESOLVED – that the application for a New Premises Licence for Beer Shop, 26A Northgate End, Bishop’s Stortford be granted, subject to additional conditions 1-19 offered by the applicant and agreed with Hertfordshire Constabulary, together with conditions 1-3 offered by the applicant and agreed with Environmental Health and conditions 1 and 11 offered by the applicant at Section 18 of the application. It was to be noted that Police condition 16 was to be merged with Environmental Health condition 3. The Sub-Committee also accepted the two additional conditions offered by the applicant regarding the written dispersal policy and availability of a telephone number to residents.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate’s court.

27 URGENT BUSINESS

There was no urgent business.

The meeting closed at 3.09 pm

Chairman

Date

This page is intentionally left blank

East Herts Council Report

Licensing Committee

Date of meeting: 13 October 2021

Report by: Oliver Rawlings, Service Manager – Licensing and Enforcement

Report title: Consideration of the revised draft Licensing Records Points Scheme following consultation

Ward(s) affected: All

Summary

- The Licensing Records Points Scheme (LRPS) has formed part of East Herts Council's taxi policies for many years. It has allowed Officers to issue Licensing Record Points (LRP) to drivers who have fallen below expected standards and failed to comply with certain requirements.
- Over the years there have been a number of changes to the legislation and guidance that the Government has issued to local authorities so as part of this review those matters have been considered.

RECOMMENDATION FOR Licensing Committee: that

- A) A final version of the Licensing Records Points Scheme be endorsed for presentation to the Executive for consideration of a recommendation to Council for adoption.**

1.0 Proposal(s)

- 1.1 That the revised wording of the proposed Licensing Records Points Scheme be considered in light of any consultation responses.

2.0 Background

- 2.1 East Herts Council is responsible for the regulation of the Hackney Carriage and Private Hire trade within the boundaries of the district of East Herts.
- 2.2 The relevant legislation gives the council the power to implement its own policies, conditions and schemes to ensure that the public are kept safe.
- 2.3 The policies, conditions and schemes should be reviewed regularly and updated as and when necessary to ensure that they remain effective.
- 2.4 The introduction of the LRPS was to enable a wider range of enforcement options to be available to Officers, providing a formalised stepped enforcement plan. The provisions of the scheme allow for further information to be added to the record of a licence holder's behaviour and conduct which can be drawn upon should the council need to reconsider whether they are a fit and proper person to continue to hold a licence with East Herts Council.
- 2.5 An eight week consultation was proposed to take place between 19th July 2021 and 10th September 2021. During the early part of the consultation one member of the licence trade identified that they had not received the initial email at the start of the consultation. So as to maximise the opportunities for consultees to raise issues, the consultation closing date was consequently extended to 22nd September 2021.

2.6 The Licensing Team contacted the trade to communicate this change and audited their systems to ensure that they were able to evidence sufficient notification of the consultation and subsequent reminders.

3.0 Reason(s)

3.1 As the Licensing Authority, East Herts Council has operated a points based system to aid compliance within the Hackney Carriage and Private Hire Trade.

3.2 The revision of the current scheme aims to ensure that it remains up-to-date and fit for purpose.

3.3 Section 9.3 of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (July 2020) relates to 'Setting expectations and monitoring' and states:

Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

3.4 During the consultation two responses were received. Both were from longstanding Dual Drivers' Licence holders within East Herts.

3.5 Both responses can be found with **Appendix A** of this report. Whilst a number of issues were raised neither response suggested any amendments to the draft scheme.

- 3.6 The points raised within the responses that were unrelated to the consultation were dealt with separately.
- 3.7 In addition, during the consultation period the Licensing Team were contacted by Julie Marson MP with an enquiry on behalf of a holder of an East Herts Dual Drivers' Licence whose response was received on 2nd September 2021. In the email to the MP, the driver raised similar issues to his direct response to the Licensing Team and stated:

I am writing to you today to make you aware of a proposed change in the East Herts taxi private hire points scheme. The said scheme was put in place as a safeguard for the people of East Hertfordshire. As a licensed hackney carriage driver of thirty years experience I have no issues with the change .

- 3.8 The points raised within that email were responded to fully and the MP's support in seeking up-to-date primary legislation for this sector was requested.
- 3.9 Officers are therefore proposing no amendments to the draft scheme as consulted upon which is attached at **Appendix B**.

4.0 Options

- 4.1 Endorse the draft Licensing Records Points Scheme as consulted upon without amendment.
- 4.2 Propose amendments for consideration by Executive Member for Planning and Growth.
- 4.3 Do not endorse the draft Licensing Records Points Scheme – not recommended as the current scheme is in need of updating and no negative views on the draft were expressed during the consultation with the taxi trade.

5.0 Risks

- 5.1 Policies, conditions and schemes that are not reviewed regularly or updated as-and-when necessary so as to remain effective risk leaving the authority open to legal challenges should the council rely on an out-dated policy.
- 5.2 Failure to address gaps within the current scheme could be detrimental to the authority's defence of any legal challenge.
- 5.3 If the authority does not have robust policies and procedures in place then it is unable to limit, *as far as is possible*, risks to the public.

6.0 Implications/Consultations

Community Safety

The primary purpose of Hackney Carriage and Private Hire regulation is the protection of the public. The continued use of a points-based system will allow for minor breaches to be recorded and considered in context while referring those with persistent or serious breaches for more formal action.

Therefore Community Safety has been considered when drafting the Policy.

Data Protection

No changes are proposed to how data will be held or handled so no additional implications.

Equalities

Consideration has been given to the Equality Act 2010 and the Public Sector Equality Duty whilst drafting the Policy.

Environmental Sustainability

None

Financial

None as implementing any changes will be possible within existing budgets or fees can be adjusted to balance any shortfall.

Health and Safety

None

Human Resources

None

Human Rights

As with all policies and council functions, the Human Rights Act 1998 has been considered when drafting this Policy.

Legal

All statutory requirements and obligations have been considered in preparing this report.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – Licensing Record Point Scheme

7.2 **Appendix B** – Department for Transport, Statutory Taxi and Private Hire Vehicle Standards -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

Contact Member

Councillor Jan Goodeve, Executive Member for Planning and Growth
Jan.Goodeve@eastherts.gov.uk

Contact Officer

Jonathan Geall, Head of Housing and Health, Tel: 01992 531594.
jonathan.geall@eastherts.gov.uk

Report Author

Oliver Rawlings, Service Manager (Licensing and Enforcement), Tel:
01992 531629. oliver.rawlings@eastherts.gov.uk

This page is intentionally left blank

Received via email on 5th August 2021:

I would like to raise a point regarding taxi ranks. On a Friday and Saturday night the only designated rank is the one round by the old Halfords, there is not enough room for all the taxis the fore street rank needs to be re-opened as it is being used anyway with cars everywhere. We are trying to earn a living out there with not enough rank space for the amount of taxis.

Thanks

Received via email on 2nd September 2021:

Dear licensing Officer I am writing to you regarding the changes in the Hackney Carriage points system. I myself have no concerns as over the last thirty years I have no points on my license. But what is concerning a lot of drivers is the out of area cars based in ware and transport for London doing likewise. As the first paragraph of the letter you sent out to all licensed drivers stated. East Herts oversee the Hackney Carriage and private hire trade within the boundaries of East Herts. So who oversees the Broxbourne and transport for London vehicles working within the boundaries of East Herts? If the said points system is put in place as a safeguarding measure what safeguarding is put in place for out of area vehicles working within the boundaries of East Herts? Could you please forward this on for consideration as we as drivers think this problem need urgently addressing.

Kind regards

This page is intentionally left blank

East Herts Council Penalty Point Scheme

1.0 Introduction

- 1.1 The protection of the public, safeguarding children and vulnerable persons and the prevention of crime are the most important factors in the licensing regime.
- 1.2 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire drivers and vehicles and private hire operators is the safety of the travelling public.
- 1.3 The aim of a Licensing Record Point Scheme (LRPS) is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders. It bridges the gap between the warning and suspension/revocation options provided by the legislation and creates a record of a licence holder's conduct; thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence. The primary objective of the Scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

2.0 Relevant legislation

- 2.1 Hackney carriage and private hire drivers and vehicles and private hire operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws and the Rules, Regulations and Conditions set by East Herts Licensing Committee. The purpose of the legislation and regulations is to ensure that applicants are 'fit and proper' to hold a licence and that they continue to remain 'fit and proper' for the duration of the licence period. It is the council's ongoing responsibility to ensure that the required standards are continually met.

3.0 General Principles

- 3.1 The scheme applies to all hackney carriage and private hire drivers and vehicles and private hire operators.
- 3.2 Where an offence or breach of the rules is committed or alleged, or a complaint received, the investigation process set out in this document will be followed and may result in the issue of licensing record points and/or other appropriate action.
- 3.3 The licensing record point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, regulations and its own Policy.
- 3.4 On occasions it may be determined not to award points but to proceed immediately to the revocation of a licence on the grounds that the Council considers that the licence holder is not fit and proper to hold a licence. In such cases the right of appeal will be direct to the Magistrates' Court.
- 3.5 Points issued under this licensing records point scheme will remain live for 24 months from the date they are issued.
- 3.6 The licensing records points issued will be at the discretion of the investigating officer and in accordance with the licensing record points' table.
- 3.7 The issuing of points against a driver who is an employee will not necessarily result in the issuing of points to their employer. However, points may be issued to one or more parties for a single contravention if the circumstances warrant such action being taken i.e. where there is joint responsibility for the contravention.

- 3.8 Licence holders may see the record of their licensing record points at any time. Vehicle proprietors and licensed operators may make a written request to view the licensing record points of their employees; any such request must give full reasons for the request. All such requests are subject to approval by the Service Manager- Licensing & Enforcement.
- 3.9 The Council may as part of its investigations into an alleged offence/complaint or similar matter request a Police National Computer check (PNC) to ensure that it has all the evidence necessary to properly investigate the matter; this evidence will be made available to all involved officers to assist them in reaching a decision. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and may result in a licence, previously granted, being revoked.
- 4.0 Investigation and Appeal Procedure
- 4.1 The Council will deal with all genuine complaints or witnessed/alleged breaches of the legislation, licence conditions and/or policy as follows:
- a. On receipt of a complaint or where there is an alleged or witnessed breach of the Council's conditions or other relevant statutory provisions, a member of the Licensing Team will assess whether there is a case to answer.
 - b. If it is considered there is a case to answer, a member of the Licensing Team will investigate the facts which may include interviewing the relevant individuals under caution.
 - c. Upon completion of the investigation, licensing record points may be applied. Notification that points have been

given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 10 working days of the decision.

- d. The award of points can be appealed to the Service Manager- Licensing & Enforcement and this should be done within 10 working days of being notified of the award of points. The appellant may submit documentary evidence to support their appeal. Appeals must be made in writing to licensing.enforcement@eastherts.gov.uk or Licensing Enforcement, East Herts Council, Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ.
- e. The Service Manager- Licensing & Enforcement will then consider the matter and confirm his decision in writing to the licence holder within 10 working days.
- f. Where the Service Manager- Licensing & Enforcement has issued the points being appealed the appeal will be decided by the Head of Housing and Health and the route of appeal and time frames remain the same as above.
- g. The appeal determination is final and there is no further right of appeal. Please note – it is important to exercise the right of appeal if you do not believe the points should have been awarded and you wish to challenge the evidence that resulted in the award of points. If further points are awarded and the 12 point threshold is reached, the impositions of points cannot be challenged or revisited at a later date. Points must be challenged in line with the process set out above. It is important to note that the Service Manager- Licensing & Enforcement and the Head of Housing and Health, in addition to dismissing or upholding the appeal, have the discretion to award a lesser or greater number of points than displayed on the

Licensing Records Points Table. In these circumstances the reasons for varying the points awarded will be documented.

- 4.2 In cases where a licence holder has reached the threshold of 12 or more points in a rolling 2 year period the matter of ongoing fitness and propriety will be considered. Submission from the licence holder regarding their fitness and propriety will be requested before a memo is compiled containing all the facts. Before going to the decision maker the memo will be provided to the licence holder so that they can highlight any factual errors. The memo will then be passed to the Head of Housing and Health who will determine the matter in consultation with the Chair of the Licensing Committee.
- 4.3 If a licence is suspended or revoked there is a right of appeal to the Magistrates Court. Appeals must be made in writing to the Clerk of the Court, Stevenage Magistrates Court, C/O Luton Magistrates' Court, Stuart Street, Luton, LU1 5BL within 21 days of having been notified of the decision. Where an appeal has been made, the implementation of any suspension or revocation will be held over until the appeal has been determined unless the licence has been revoked with immediate effect.

Licensing Record Points Table

Matters marked with a * are direct contraventions of either the Town Police Clauses Act 1847 or of the Local Government (Miscellaneous Provisions) Act 1976 and may result in prosecution in addition to any licensing record points incurred.

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
1*	Giving false, misleading or withholding information to obtain a hackney carriage / private hire licence.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Failure to notify the licensing authority of	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	any motoring or criminal convictions during the period of the licence. (Within 48 hours of receiving such conviction).				
3	Failure to notify the council of having been arrested (for any matter, whether subsequently charged or not), cautioned, or charged for an offence or being subject to a criminal investigation within 48 hours of the said action.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Failure to notify the licensing authority of any serious injury, illness or change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight) within 48 hours.	12	<input checked="" type="checkbox"/>		
5	Failure to notify the licensing authority of a DVLA notifiable condition.	12	<input checked="" type="checkbox"/>		
6	Driver not holding a current/ valid DVLA driving licence.	12	<input checked="" type="checkbox"/>		
7*	Employing or permitting an unlicensed driver to drive a licensed vehicle.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8*	Driving an East Herts licensed vehicle whilst not in possession of a valid East Herts driver licence. (Including allowing an unlicensed driver to drive a licensed vehicle).	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	Failure to maintain adequate vehicle insurance cover. (i.e. hire and reward / public hire).	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	Fighting and / or aggressive behaviour towards the public, other licensed drivers or authorised officers of the council.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11*	Operating / using an unlicensed vehicle as a hackney carriage/ private hire vehicle. Using a vehicle without insurance.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
12	Operating / using a vehicle without any or the correct type of insurance.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13	Driver in possession of illegal drugs while in charge of a licensed vehicle or evidence of drugs or alcohol in the vehicle.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
14	Driver found under the influence of drink and / or drugs while in charge of any vehicle.	12	<input checked="" type="checkbox"/>		
15*	Refusal to accept a booking or failure to carry an assistance dog without a valid certificate of exemption. Or charging an additional cost for the carrying of an assistance dog.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16*	Failure to ensure that all assisted devices to promote mobility, such as wheel chairs, walking aids, specialist buggies are carried	12	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	safely in a licensed vehicle.				
17*	Refusal to accept a booking or failure to carry assisted devices to promote mobility. Or charging an additional cost for the carrying of these devices.	12	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
18	Carrying more passengers than stated on the vehicle licence.	12	<input checked="" type="checkbox"/>		
19	Failure to ensure the safety of passengers.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20	Permitting the vehicle to be used for any illegal or immoral purposes.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
21*	Operating a private hire vehicle without a private hire operator's licence.	12			<input checked="" type="checkbox"/>
22	Failing to behave in a civil and orderly manner, being verbally abusive or aggressive to any member of the public, other licensed driver or authorised officers of the council or bringing the trade into disrepute.	9	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
23	Collusion or interfering with evidence, victims or witnesses, when officers of the council are carrying out an investigation.	9	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
24*	Lending or parting with a hackney carriage/private hire driver licence.	9	<input checked="" type="checkbox"/>		
25	Using a vehicle with illegal tyres.	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
26	Using a mechanically unfit or unsound vehicle or with any defects (breaks, seat belts, steering, suspension, doors, windscreen, bodywork, lights, wipers, washers, exhaust, horn, battery, tyres or other relevant defects that may warrant a failure at with MOT or council vehicle inspection.	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
27	Presenting a vehicle for testing that is in an unsafe or dangerous condition.	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
28*	Failure to return any licence to the licensing authority upon expiry, suspension, revocation or upon request by an authorised officer of the council or police officer.	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
29*	Failing to provide relevant information or pay the relevant fee (including dishonoured cheques).	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30*	Failures to co-operate, give information, assistance, comply with a requirement or obstruct an authorised officer of the council or police officer or any other clearly identifiable person nominated by the council.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31	Late application for the renewal of a licence.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
32*	Driver allowing a customer to smoke /vape or similar in a licensed vehicle.	6	<input checked="" type="checkbox"/>		

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
33*	Driving whilst using a mobile phone or other hand held device. 1 st offence 2 nd offence	6+FPN 12+FPN	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
34*	Unreasonable prolongation of journeys in distance or time or any other misconduct regarding the charging of fares.	6	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
35	Refusal to accept hiring without reasonable cause (N.B. a reasonable excuse can include drunk or rude customers).	6	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
36	Failure of private hire operator / driver to honour a booking without a reasonable excuse.	6	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
37	Unacceptable standard of driving, witnessed by an authorised officer of the council or a police officer.	6	<input checked="" type="checkbox"/>		
38*	Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
39	Concealing or defacing a vehicle licence plate.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
40	Failing to deal with lost property in an appropriate manner. 1 st offence 2 nd offence	6 12	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
41	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the council.	6		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
42*	Illegal ranking.	6	<input checked="" type="checkbox"/>		
43	Failure to comply with the Highway Code/ conform to statutory road signs.	6	<input checked="" type="checkbox"/>		
44	Failure to produce relevant documents (i.e. medical certificates, DBS, MOT, VCC, insurance documentation) upon expiry of current document.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
45*	Failure to produce relevant documents (i.e. medical certificates, DBS, MOT, VCC, insurance documentation) within a set timescale, when requested by an authorised officer of the council or police officer. Continued failure to produce documents as requested- for every 14 days that elapse. In addition to receiving licensing record points a licence may also be suspended until such a time that the outstanding document is received by an officer or until the licence	4 4	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	expiry date.				
46*	Failure to report within 72 hours an accident or damage to a licensed vehicle, which would cause the vehicle to breach licence conditions. 1 st offence 2 nd offence	4 8	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
47*	Failure to comply with the regulations governing the wearing of seat belts. 1 st offence 2 nd offence	4 8	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
48*	Failure to display the external/ internal licence plate(s) or signs as required by the council or displaying them incorrectly.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
49	Dropping off or picking up in an inappropriate place such as to cause an obstruction or nuisance to other road users.	4	<input checked="" type="checkbox"/>		
50	Illegal or inappropriate parking such as to cause an obstruction to pedestrians and / or other road users.	4	<input checked="" type="checkbox"/>		
51*	Failure to attend or attend on time for a pre-arranged appointment at the request of the council without reasonable cause.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
52*	Failure of a private hire operator to keep proper records of all bookings and driver and vehicle licences, or failure to produce them upon request by an authorised officer of the council or a police officer within reasonable time / or specified time.	4			<input checked="" type="checkbox"/>
53*	Failure to notify in writing the council of a change of address within 7 calendar days. 1 st offence 2 nd offence	3 6	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
54*	Failure to notify the council of a change of any contact details (i.e. email address, telephone number) where such failure results in the council being unable to contact you directly. 1 st offence 2 nd offence 3 rd offence	3 6 9	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
55*	Failure to display "no smoking" signage in the vehicle or at the operating base.	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
56*	Driver smoking / vaping / similar whilst in a licensed vehicle. 1 st offence 2 nd offence 3 rd offence	3+FPN 9+ FPN 12+Prosecution	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
57*	Smoking or allowing smoking in an				

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	operator's premises. 1 st offence 2 nd offence 3 rd offence	3+FPN 9+ FPN 12+Prosecution			<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
58	Unsatisfactory condition of vehicle- interior or exterior.	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
59	Driver eating or drinking in the vehicle while passengers are on board.	3	<input checked="" type="checkbox"/>		
60	Driver allowing noise from a radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle.	3	<input checked="" type="checkbox"/>		
61	Driver sounding the horn to signal that the vehicle has arrived and so causing a potential disturbance.	3	<input checked="" type="checkbox"/>		
62	Failure to give reasonable assistance with passenger luggage.	3	<input checked="" type="checkbox"/>		
63	Failure to carry an approved operational fire extinguisher.	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
64	Failure to carry first aid kit (items contained within the box must be in date).	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
65*	Failure to notify the council of the transfer of a vehicle licence.	3		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
66*	Failure to wear your drivers badge whilst on duty in a licensed vehicle. 1 st offence 2 nd offence	3 6	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
67	Failure to carry evidence of insurance cover in the vehicle whilst on duty or to provide proof of insurance cover when requested. 1 st offence 2 nd offence	3 6	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
68*	Failure to provide a receipt for a fare when requested.	3	<input checked="" type="checkbox"/>		
69*	Failure of a proprietor / private hire operator to request and keep a copy of all drivers' licenses associated with their business.	3		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
70	Failure of private hire operator to ensure that the office staff act in a civil and courteous manner at all times.	3			<input checked="" type="checkbox"/>
71	Failure to comply with any other licence conditions / byelaws set by the council. Or instruction by an authorised officer.	3 per breach	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Private Hire Offences

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
72*	Driver plying for hire. (Including accepting a fare that is not pre-booked).	12	<input checked="" type="checkbox"/>		
73*	A private hire driver using a hackney carriage vehicle without a hackney carriage driver licence.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
74	Failure of private hire operator to ensure that all vehicles operated by them are adequately insured.	9			<input checked="" type="checkbox"/>
75	Driver calling out or influencing persons to travel in the vehicle for gain without prior appointment.	9	<input checked="" type="checkbox"/>		
76	Drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking.	6	<input checked="" type="checkbox"/>		
77	Displaying any features or using a vehicle in which its appearance may suggest that it is a Hackney Carriage.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
78*	Permitting a private hire vehicle to wait on a hackney carriage rank.	6	<input checked="" type="checkbox"/>		
79	Affixing or displaying a roof sign on a private hire vehicle.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Hackney Carriage Offences

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
80*	Failure to ensure that all assisted devices to promote mobility, such as wheel chairs, walking aids, specialist buggies being carried in a licensed vehicle have been correctly loaded, secured and unloaded.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
81*	A designated wheelchair accessible vehicle refusing or failing to comply with S165 of The Equality Act 2010.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
82*	Making an additional charge for carrying an assisted device to promote mobility. See point 80 above.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
83	Using a non-calibrated or non-approved taxi meter.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
84	Failure to affix a roof sign to a hackney carriage vehicle.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
85*	Driver leaving car unattended on a rank appointed by the council.	4	<input checked="" type="checkbox"/>		
86	Hackney carriage driver obstructing other hackney carriages.	4	<input checked="" type="checkbox"/>		
87	Failure to display table of fares.	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
88	Failure to proceed to another rank when at the time of arrival the rank is full.	3	<input checked="" type="checkbox"/>		

East Herts Council Report

Licensing Committee

Date of Meeting: 13 October 2021

Report by: Oliver Rawlings, Service Manager – Licensing and Enforcement

Report title: Consideration of the revised draft Statement of Gambling Principles 2022-25 following consultation

Ward(s) affected: All

Summary

- The Gambling Act 2005 requires each local authority to adopt and publish a Statement of Gambling Principles at least every three years. The purpose of the Policy is to set out the principles the local authority will apply when carrying out its licensing functions under the Act.
- There is a requirement for public consultation and the consideration of any responses that are received.

RECOMMENDATION FOR Licensing Committee: that

A) A final version of the Statement of Gambling Principles 2022-2025 be endorsed for presentation to the Executive for consideration of a recommendation to Council for adoption.

1.0 Proposal(s)

1.1 That the revised wording of the proposed Statement of Gambling Principles 2022-2025 be considered in light of the consultation responses.

2.0 Background

- 2.1 Regulation of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005 (the Act) is one of the major regulatory regimes under which the Council has statutory responsibilities.
- 2.2 The Act requires licensing authorities (District Councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them, the principles that they will follow, and their expectations of licensees. The policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 2.3 Historically and currently the Council has low numbers of licences and authorisations issued under the Act and low numbers of complaints.
- 2.4 To give the context for East Herts, the following table sets out the current licences held in comparison with three years ago.

Type of Licence	Issued in 2018	Issued in 2021
Adult Gaming Centre	0	0
Betting Shop	15	15
Bingo	0	0
Club Gaming Permit	0	0
Club Machine Permit	11	9
Gaming Machines (up to 2 machines)	113	119
Gaming Machines (3 or more machines)	15	11
Small Society Lotteries	75	47

Type of Licence	Issued in 2018	Issued in 2021
Track Betting	0	0
Totals	229	201

2.5 A four week consultation took place between 25th August 2021 and 22nd September 2021. The Act requires a minimum level of consultation which includes the placing of public notices at the authorities main office and directly consulting:

- the 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; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

2.6 In addition to these minimum requirements the details were placed on the authority's website and the individuals and groups detailed at **Appendix A** were contacted directly with details of the consultation.

3.0 Reason(s)

3.1 As the licensing authority, East Herts Council is required to have a Statement of Gambling Principles (the Statement) and revise it at least every three years.

3.2 The current Statement of Licensing Policy expires on 31 January 2022 so an up-to-date revision of the document has been consulted upon as required by the Act.

3.3 The Statement is an important document which sets out the principles the Council will apply when carrying out its licensing function.

- 3.4 During the consultation no responses were received.
- 3.5 Officers would suggest that the lack of responses to the consultation does not reflect on the quality of the consultation but is possibly a result of a combination of the following factors:
- the proposed changes only being very minor with little or no impact on existing licence holders or other stakeholders;
 - the previous statement having been fit for purpose meaning that there had not been any negative impacts from the operation of the statement from either a licence holder or stakeholder perspective.
 - gambling has for a number of years been moving to be predominantly online and the impact of the pandemic has further accelerated this shift.
- 3.6 Officers are therefore proposing no amendments to the draft document as consulted upon which is attached at **Appendix B**.

4.0 Options

- 4.1 Endorse the draft Statement of Gambling Principles 2022-2025 as consulted upon without amendment.
- 4.2 Propose amendments for consideration by Executive Member for Planning and Growth.
- 4.3 Do not endorse the Statement of Gambling Principles 2022-2025 – not recommended as we are required to review the Statement by legislation and no negative views on the draft were expressed during the consultation

5.0 Risks

- 5.1 The licensing authority is required to review its Statement of Gambling Principles at least every three years. Failure to do so would leave the authority unable to carry out its licensing function until such time as a Statement of Gambling Principles was in place as the existing cannot simply 'carry over' without a pro-active decision of Council to do this should it choose.
- 5.2 Failure to address any perceived or actual gaps within the current Statement of Gambling Principles could be detrimental to the authority's ability to make and defend robust decisions.
- 5.3 If the authority does not have robust policies and procedures in place then it is unable to ensure that the statutory Licensing Objectives pertaining to gambling activities are promoted, these being:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling. The Gambling Commission states: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

6.0 Implications/Consultations

Community Safety

The Statement of Gambling Principles is an important document which seeks to promote the three Licensing Objectives:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling. The Gambling Commission states: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

Therefore Community Safety has been considered when drafting the Policy.

Data Protection

No changes are proposed to how data will be held or handled so no additional implications.

Equalities

Consideration has been given to the Equality Act 2010 and the Public Sector Equality Duty whilst drafting the Policy.

Environmental Sustainability

None

Financial

None

Health and Safety

None

Human Resources

None

Human Rights

As with all policies and Council functions, the Human Rights Act 1998 has been considered when drafting the Statement.

Legal

All statutory requirements have been considered in preparing this report.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – list of direct consultees

7.2 **Appendix B** – Statement of Gambling Principles 2022-2025

7.3 Revised Guidance to Licensing Authorities issued by the Gambling Commission (May 2021) -
<https://www.gamblingcommission.gov.uk/print/guidance-to-licensing-authorities>

7.4 East Herts current Statement of Principles (2019-2022) -
<https://www.eastherts.gov.uk/licences-and-registration/gambling-policy-guidance-and-fees>

7.5 The Gambling Act 2005 -
<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Contact Member

Councillor Jan Goodeve, Executive Member for Planning and Growth
Jan.Goodeve@eastherts.gov.uk

Contact Officer

Jonathan Geall, Head of Housing and Health, Tel: 01992 531594.

jonathan.geall@eastherts.gov.uk

Report Author

Oliver Rawlings, Service Manager (Licensing and Enforcement), Tel:
01992 531629. oliver.rawlings@eastherts.gov.uk

Below is a list of individuals, organisations and / or representatives directly consulted in the preparation of the Statement of Principles. The list is not exhaustive but gives a good indication of the scope of the consultation exercise.

- The responsible authorities designated under the Act
- Holders of licences, permission, notices, etc. issued by the Licensing Authority under the Gambling Act
- Solicitors and agents that have previously submitted applications
- Representatives of residents associations in the area
- Gambling Commission
- East Herts Councillors
- Town Councils
- Parish Councils
- Community Voice
- Hertfordshire County Council
- Neighbouring Local Authorities
- Chamber of Commerce
- Local Community Safety Partnership
- Hertfordshire Environmental Forum
- Hertfordshire Local Enterprise Partnership (LEP)
- Bishop's Stortford Business Improvement District
- Federation of Small Businesses
- Spectrum Drug and Alcohol Services
- East Herts Licensed Taxi Trade
- Community Safety Partnership (CSP)
- Safety Advisory Group (SAG)
- Hertfordshire Safeguarding Children Partnership
- Local planning authority
- Environmental Health
- HM Revenue and Customs
- Hertfordshire Modern Slavery Partnership Coordinator, Shiva Foundation
- Gambling support services both locally and nationally

This page is intentionally left blank

East Hertfordshire District Council

Statement of Principles under the Gambling Act 2005

Policy for 2022-2025

Published TBC

CONTENTS

Subject	Page
Preface	4
Introduction	5
Authorised activities	7
Statement of Principles	7
Types of licences and permissions	8
The Gambling Commission	8
General Statement of Principles	9
Preventing gambling from being a source of crime and disorder	10
Ensuring gambling is conducted in a fair and open way	11
Protecting children and other vulnerable people from gambling	11
Background to East Herts	13
Local Authority Functions	15
Responsible Authorities	16
Child protection	18
Public health and well-being	18
Interested parties	19
Exchange of Information	21
Compliance and Enforcement	22
Gaming Machines	23
Local Area Profile (LAP)	25
Local risk assessments	25
Premises licences - Definition of "premises"	26
Access restrictions	27
Provisional Statements	28
Buildings to be complete	28
Plan	29
Location	29
Conditions	30
Duplication with other regulatory regimes	31
Access by Children	31
Door Supervisors	32
Types of Premises Licences - Adult Gaming Centres	33
(Licensed) Family Entertainment Centres	34
Casinos	35
Bingo premises	35
Bingo in clubs and alcohol-licensed premises	37
Betting premises	38
Primary Gambling Activity	39

Subject	Page
Tracks	40
Gaming machines on tracks	41
Betting machines on track premises	41
Condition on rules being displayed	42
Travelling Fairs	42
Reviews	43
Permits, Temporary & Occasional Use Notices	45
Unlicensed Family Entertainment Centre gaming machine permits	45
(Alcohol) Licensed premises gaming machine permits	46
Prize Gaming Permits	48
Club Gaming and Club Machines Permits	49
Lotteries	50
Temporary Use Notices	53
Occasional Use Notices	54
Administration, Exercise and Delegation of Functions	55
Contact Point	56
Appendix 1 - Consultation	57

1.0 Preface

- 1.1 Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from spread betting, gambling and betting (including the National Lottery) are regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.
- 1.2 East Herts Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling takes place, and to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.
- 1.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
 - 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.
- 1.4 Our consultation took place between 25 August 2021 and 22 September 2022 2021, and we followed the guidance on Consultation principles issued by the Cabinet Office (last updated March 2018), which is available at [Consultation principles guidance](#). Further details can be found in Appendix 1.
- 1.5 Where either the relevant guidance or the legislation are amended this authority will seek to revise this document as swiftly to ensure consistency.

2.0 Introduction

- 2.1 The Gambling Act 2005¹ (the “Act”) was passed on 7 April 2005. The Act modernised the law on gambling and introduced a gambling regulator, the Gambling Commission. The Gambling Commission regulates the gambling industry, and the Act also gave responsibility for gambling premises licensing to Local Authorities.
- 2.2 The Act requires East Herts Council (the “licensing authority”) to publish a Statement of Principles that it applies when exercising its functions under the Act. The statement must be published every three years and the Licensing Authority will keep the statement under constant review and will consult statutory consultees as set out in the Act, and any other appropriate person, on any proposed new or revised Statement of Principles. The statement must then be re-published. This version of the Statement of Gambling Policy has been revised following the third 3 year review and is for the period 2022-2025.
- 2.3 This statement of principles supports East Herts Council’s corporate plan which has 4 key priorities:
- 1. Sustainability at the heart of everything we do;**
 - 2. Enabling communities;**
 - 3. Encouraging growth; and**
 - 4. Digital by design**
- 2.4 Our vision for licensing is to support responsible premises and to encourage the development of a diverse and varied licensed offering across the District.
- 2.5 As long as premises management strive to act responsibly; run safe, well managed venues and facilities; and work together with the local community, they can make a positive contribution toward providing entertainment and satisfaction.
- 2.6 Of course, negative impacts can also occur if good management practices are not followed. We recognise that gambling related harm does negatively impact upon both public health and well-being.
- 2.7 Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may contribute towards a thriving economy while ensuring that the quality of life

¹ The Gambling Act 2005 can be accessed via: [Gambling Act 2005](#)

of those who use gambling facilities and live and work in the District is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

2.8 This policy was drafted giving the guidance by the Gambling Commission due consideration and will broadly follow it.

2.9 The Act requires this Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

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

2. Ensuring that gambling is conducted in a fair and open way.

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

2.10 As required by the Guidance issued by the Gambling Commission, in carrying out its licensing functions under the Act, particularly with regard to premises licences, the Council will generally aim to permit the use of premises for gambling as long as it is considered to be:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant code of practice issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the policy statement published by this Authority under section 349 of the Act.

2.11 **This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005. In producing this statement the Licensing Authority has had regard to the licensing objectives, the guidance issued by the Gambling Commission and any responses to the consultation on this statement.**

3.0 Authorised activities

- 3.1 'Gambling' is defined in the Act as gaming, betting or taking part in a lottery:
- 'gaming' means playing a game of chance for a prize
 - 'betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
 - a 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- 3.2 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.; Private gaming can potentially take place on commercial premises in very specific circumstances, and where the public have access, but organisers are advised to seek advice before organising events of this nature.
- 3.3 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the council's licensing team where appropriate.

4.0 Statement of Principles

- 4.1 This Statement of Principles is intended to meet the council's obligations under section 349 of the Act. In carrying out its' functions in relation to premises licences and temporary use notices, the council will generally aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission
 - in accordance with any Guidance issued by the Gambling Commission. All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities (published April 2021 and updated May 2021)
 - reasonably consistent with the licensing objectives
 - in accordance with this Statement of Principles.

5.0 Types of Licences and Permissions

5.1 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its' capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

6.0 The Gambling Commission

6.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides support and advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

- 6.2 The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 6.3 The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission

Fourth Floor

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Website: [Gambling Commission](https://www.gamblingcommission.gov.uk)

7.0 General Statement of Principles

- 7.1 The council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- 7.2 In carrying out its licensing functions the council will have regard to any guidance issued by the Gambling Commission from time to time.
- 7.3 The council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 7.4 To ensure the licensing objectives are met the council will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.
- 7.5 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect.

- 7.6 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 7.8 However, the overriding principle is that all applications and the circumstances prevailing at each premise will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Gambling Commission, the licensing authority will regulate gambling in the public interest.

8.0 Preventing gambling from being a source of crime and disorder

- 8.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 8.2 Anyone applying to the council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued, with the only exception being applications for track premises licences. Therefore, the council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the council will bring those concerns to the attention of the Commission.
- 8.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the council will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.
- 8.4 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using other powers.
- 8.5 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police

assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

- 8.6 When making decisions in this regard the council will give due weight to any comments made by the Police.

9.0 Ensuring gambling is conducted in a fair and open way

- 9.1 The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- 9.2 Because betting track operators do not need an operating licence from the Commission the council may, in certain circumstances, require conditions on a licence relating to the suitability of the environment in which betting takes place.

10.0 Protecting children and other vulnerable people from gambling

- 10.1 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 10.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 10.3 When considering whether to grant a premises licence or permit the council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

- 10.4 In seeking to protect vulnerable people the council will include 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, perhaps due to a mental impairment, alcohol or drugs.
- 10.5 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:
- betting shops cannot admit anyone under 18
 - bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
 - Adult Entertainment Centres cannot admit those under 18
 - Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
 - clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
 - tracks will be required to have policies to ensure that under 18s do not participate in gambling, except on category D machines.
- 10.6 The council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 10.7 In January 2018 Public Health England, the Local Government Association and the Gambling Commission wrote to Directors of Public Health in England outlining the links between Public Health and gambling; specifically that problem gambling can have an impact on physical, mental and emotional health and wellbeing. The letter suggests that local Public Health teams have a critical role to play in developing licensing authorities' Statement of Principles as they have a good understanding of health issues within a local authority area.
- 10.8 Although Local Public Health Departments are not Responsible Authorities the licensing authority will seek advice from the local Public Health team in order to assess applications and this statement of principles. This approach will be taken to assist the licensing authority in exercising its own functions as a responsible authority, and reflects the comments made in the guidance.

11.0 Background to East Herts

- 11.1 East Herts is the largest of the 10 districts in Hertfordshire. It covers about 480 square miles, around a third of the Hertfordshire, and offers a blend of rural and town living. The benefits of this mixture are greatly appreciated by the 149,748 people who live in the district.
- 11.2 The District has Broxbourne to the south, Welwyn and Hatfield and Stevenage to the west and North Hertfordshire as its northern boundary. To the east, the district borders on the county of Essex.
- 11.3 The majority of the people who live in the district live in one of the five towns. Bishop's Stortford has the largest population at 43,870, followed by Hertford (33,006), Ware (20,092), Sawbridgeworth (9,071) and Buntingford (7,020)². Although the district is mainly comprised of farmland, five busy market towns (Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware) and more than 100 villages and hamlets are scattered across the area.
- 11.4 East Herts is regarded as an attractive rural location for those moving out from (and commuting into) London because of its excellent transport links.
- 11.5 The people of East Herts are predominantly employed and enjoy higher than average earnings of £714.70 gross weekly pay for full-time workers compared to £587.10 for the whole of the country³. Unemployment is very low (2.4%⁴).
- 11.6 House prices are among the highest in the country; in 2014 for the period April to June the average property price was £513,983 while the average salary in 2020 was £32,240 compared to £31,165 in Hertfordshire.
- 11.7 The 2011 Census showed a fifth of people are under 16 and a fifth of people are over 60. The average age in the district is 39.5.
- 11.8 Over 89% of people were born in England, 3% were born in other countries in the European Union and 4% in other countries.

² [Office of National Statistics website - Ward-level population estimates \(Experimental Statistics\)](#)

³ [nomis official labour market statistics website - Labour Market Profile - East Hertfordshire](#)

⁴ [nomis official labour market statistics website - Labour Market Profile - East Hertfordshire](#)

11.9 East Herts has a low ethnic minority population of just 4.5%. The largest ethnic minority group is Asian/Asian British at 1.9% with Indian being the highest within that group. The second largest minority group is mixed/multiple ethnic groups at 1.6%.

11.10 Over a third of people are educated to NVQ level 4 or higher e.g. Bachelor's degree (45.7%, 41,900). However, under a fifth of the population have no qualifications (17.2%, 18,959).

11.11 The percentage change between recorded crimes for headline offences in East Herts has fallen by 15% for years ending September 2019 and September 2020.

11.12 As at July 2021 the numbers of premises issued with licences, permits or registrations within East Herts are as follows:

- 15 Bookmakers or betting shop;
- 130 Alcohol premises with gaming machines;
- 9 Registered clubs with gaming machines;
- 47 Small society lottery registrations;
- 0 Bingo premises;
- 0 Track betting premises;
- 0 Casinos; and
- 0 Adult gaming centres.

12.0 Local Authority Functions

12.1 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its" capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members" clubs and miners" welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions

- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.
- 12.2 Private gaming in private dwellings and betting between inhabitants of the same premises on domestic occasions or between employees of the same employer is exempt from licensing or registration if:
- no charge is made for participating;
 - only equal chance gaming takes place; and
 - it does not occur in a place to which the public have access.
- 12.3 Private gaming can potentially take place on commercial premises in very specific circumstances, and where the public have access, but organisers are advised to seek advice before organising events of this nature.
- 12.4 The Authority will not be involved in licensing remote gambling - this is dealt with by the Gambling Commission via Operator Licences. The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery.

13.0 Responsible Authorities

- 13.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.
- 13.2 Section 157 of the Act defines those authorities as:
- the Gambling Commission
 - the Police
 - the Fire Service
 - a competent body to advise the authority about the protection of children from harm
 - the local planning authority
 - Environmental Health
 - HM Revenue and Customs
 - A licensing authority in whose area the premises is situated (that is, the council itself and also any adjoining council where premises straddle the boundaries between the two).
- 13.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in

writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- (i) The need for the body to be responsible for an area covering the whole of the licensing authority's area.
- (ii) The need for the body to be answerable to democratically elected persons, rather than any particular vested interested group.

13.4 This authority designates Hertfordshire Safeguarding Children Partnership for this purpose.

13.5 The Licensing Authority will not take into account irrelevant representations, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective and there is other primary legislation regarding fire risk)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. Unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective regarding the prevention of public nuisance. Any nuisance associated with gambling premises should be dealt with under other relevant laws).

13.6 Any concerns expressed by a responsible authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives.

13.7 Each representation will, however, be considered on its own merits and careful consideration will be given to any concerns raised by a responsible authority and where a representation is ultimately considered irrelevant the responsible authority will be given the reasons for reaching this decision.

13.8 *The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at [East Herts](#)*

14.0 Child protection

14.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

14.2 In accordance with the above principles, the licensing authority designates the Hertfordshire Safeguarding Children Partnership for this purpose.

15.0 Public health and well-being

15.1 Although Local Public Health Departments are not responsible authorities the licensing authority will seek advice from the local Public Health team in order to assess applications and its statement of principles. This approach will be taken to assist the licensing authority in exercising its own functions under various pieces of legislation.

15.2 East Herts has decided to try to understand and, where appropriate, incorporate public health and well-being concerns within its policies and its decision-making process.

15.3 East Herts Council's Environmental Health and the Licensing teams already work closely together. The service also incorporates Community Safety alongside its Public Health officers. The alignment of these different service areas has highlighted synergies, which, with appropriate policies and partnership support, could see significant benefits for residents.

15.4 The Council has considered the potential role of Public Health within licensing and this Policy has considered the revised Gambling Commission guidance at length.

15.5 East Herts Council has taken the decision, with the full understanding and knowledge of the Guidance and relevant legislation, to engage with Public Health as a consideration in its decision making process. As a result, where a relevant representation is made regarding the undermining of the

'Protecting children and other vulnerable people from gambling' objective, and that representation relates to public health and well-being and is supported by evidence, that representation will be considered during the decision making process.

- 15.6 This includes considering information about the impact of gambling upon wider Public Health issues, such as the impacts on families where a parent is a problem gambler, and not just immediate impacts on that individual. The purpose of this is not to attempt to make Public Health the fourth licensing objective, rather using a wider definition of the licensing objective to help address evidence based gambling related harms within our communities.
- 15.7 While recognising that evidence based gambling related harms are a key concern, the Licensing Authority also recognises that gambling is just one component of the of the issues with which the licensing regime can address. The Licensing Authority will approach any Public Health representation within the wide framework of the regime and not exclusively on health and well-being considerations.

16.0 Interested parties

- 16.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- 16.2 *A person is an interested party 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 paragraph (a) or (b)'.*
- 16.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided on its merits. This authority will not apply a rigid rule to its decision making. The benefit of doubt will be given to the party making the representation until the doubt can be resolved.

- Interested parties include trade associations, and residents' or tenants' associations, if they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected Councillors may represent interested parties, but may not also sit on the Licensing sub-committee determining the application.
- In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:
 - the size of the premises;
 - the nature of the premises;
 - the nature of the authorised activities being proposed ;
 - the distance of the premises from the person making the representation;
 - the characteristics of the complainant; and
 - the potential impact of the premises.

- 16.4 The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made by officers objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the licensing sub-committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- 16.5 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, the guidance issued by the Gambling Commission or this statement of licensing policy.
- 16.6 In deciding whether or not a representation is frivolous or vexatious the Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant.
 - Whether the representation raises a relevant issue or not.
 - Whether the representation is specific to the premises that are the subject of the application.
- 16.7 Interested parties should appreciate that moral objections to gambling, or the need for gambling premises, are not valid reasons to reject applications for premises licences.
- 16.8 Representations must be made in writing (which includes electronically) and must:
- indicate the name and address of the person or organisation making the representation
 - indicate the premises to which the representation relates
 - indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this
 - clearly set out the reasons for making the representation. Reference to a specific licensing objective may be helpful.

17.0 Exchange of Information

- 17.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 17.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations and the Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 17.3 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with

the Police and other partners to fulfil its' statutory objective of reducing crime in the area.

- 17.4 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so.

18.0 Compliance and Enforcement

- 18.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to begin criminal proceedings in respect of the offences specified.
- 18.2 This licensing authority's principles are guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
- Proportionate: intervening only when necessary, with remedies appropriate to the risk posed, and costs identified and minimised;
 - Accountable: justifying decisions, and subject to public scrutiny;
 - Consistent: with joined up rules and standards implemented fairly;
 - Transparent: being open, with simple and user friendly rules; and
 - Targeted: to focus on the problem, and minimise side effects.
- 18.3 This licensing authority will seek to work with other agencies in enforcing this legislation and work to create a joint protocol with all the relevant agencies to avoid duplication with other regulatory regimes as far as possible, following the Gambling Commission's guidance for licensing authorities.
- 18.4 This licensing authority will also, as recommended by the Gambling Commission's guidance for local authorities, adopt a risk-based inspection programme and will consider any risk models produced in conjunction with the Gambling Commission.
- 18.5 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the premises licences and other permissions which it authorises.

- 18.6 The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 18.7 The authority proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.
- 18.8 We continue to work actively with other responsible authorities in seeking compliance and enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.
- 18.9 As a Council we have signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth
- 18.10 The authority's approach to the carrying out of premises licence reviews is set out later in this document.

19.0 Gaming Machines

- 19.1 Within both the gambling legislation and this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- 19.2 Gaming machines are categorised according to the nature of their operation, the maximum charge to use, and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that holders of each type of premises licence or permit are entitled to make available for use.
- 19.3 As both machine entitlements and the values applicable to each category are prescribed in secondary legislation, and may be changed at relatively short

notice, it is not considered appropriate to include this information within this document.

- 19.4 Persons under the age of 18 years are not permitted to use any gaming machine other than a category D machine, which are generally low-value machines located in family entertainment centres. Holders of licences and permits which allow the provision of higher-category machines in premises where children are present should take appropriate steps either to locate those machines in a segregated area with age-restricted access, or to locate the machines so that their usage can be monitored at all times – the appropriate action is dependent upon the nature of the premises and the authorisation held.
- 19.5 Some types of licence, permit or entitlement limit the number of gaming machines which may be made available for use in the authorised premises. The licensing authority notes the Commission's guidance on the meaning of 'available for use', including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on. Where an operator or permit-holder wishes to provide a greater number of machines on their premises than may be made available for use under the licence or permit, the onus will be on that operator or permit-holder to demonstrate to the licensing authority that they have a sufficiently robust mechanism in place to prevent a breach of the licence or permit.
- 19.6 All gaming machines which are made available for use in premises must adhere to the appropriate technical standards set by the Gambling Commission, including bearing the correct categorisation markings and any other signage required.
- 19.7 A number of premises which are not entitled to provide gaming machines (including fast-food outlets, taxi booking offices, shopping centres and transport hubs) provide other types of machines, which operate differently to gaming machines. These may include skill machines (where the likelihood of winning a prize is dependent solely on the player's skill or knowledge, and not on chance), and non-prize machines (where players play for a high-score or for amusement only, and no prize can be won as a result). Such machines fall outside of the scope of the 2005 Act, and are not subject to control by the licensing authority. However the authority will investigate complaints where

it is believed that a machine purporting to be a skill game or a non-prize machine is actually a (licensable) gaming machine. In determining whether such complaints are accurate we may seek advice from machine suppliers, manufacturers, and from the Gambling Commission.

20.0 Local Area Profile (LAP)

- 20.1 As of 6 April 2016, it is a mandatory condition for holders of operating licences to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.
- 20.2 We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of the local area within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate any risks identified which may arise as a result of the opening or continuation of trade at those premises.
- 20.3 It is not a requirement for licensing authorities to complete a Local Area Profile. Although the council has not completed a Local Area Profile we encourage operators to contact the licensing authority to consider and identify potential areas of mutual concern affecting their business in a way that aims to permit gambling without presenting risks to the licensing objectives, as required by the Gambling Act.

21.0 Local risk assessments

- 21.1 We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question.
- 21.2 However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments – a single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

Premises licences –

22.0 Definition of “premises”

22.1 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

22.2 This licensing authority attaches particular weight to the Gambling Commission’s Guidance for local authorities:

- the third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit. The council would expect the plan of the premises to clearly denote entrances and exits.
- customers should be able to participate in the activity named on the premises licence.

22.3 The licensing authority will take account of the following factors when considering whether premises are separate:

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

23.0 Access restrictions

23.1 The licensing authority notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premises Type	Access restrictions
Adult gaming centre	No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol-licensed premises gaming machine permit
Betting (other)	Access from a street or another betting premises only No direct access from any other premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premises
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family entertainment centre	No direct access from licensed casino, adult gaming centre or betting (other) premises

23.2 In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators seeking solely to make use of any additional machine entitlement (for example, holding a bingo premises licence but not making any facilities for playing bingo available in the licensed premises). The Gambling Commission consulted on this issue in 2008, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary licensable activity (e.g. provision of facilities for non-remote betting in a betting (other) licensed premises), now referred to in the Guidance as offering an appropriate licensing environment.

23.3 Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. This licensing authority will consider the impact of the licences on the third licensing objective and the need to ensure that entrances to each premises are distinct and that children are excluded from gambling areas where they are not permitted.

24.0 Provisional Statements

24.1 A person may apply to the Licensing Authority for a provisional statement in respect of premises:

- they expect to be constructed
- they expect to be altered or
- they expect to acquire a right to occupy

24.2 Such applications are dealt with in the same manner as applications for premises licences. Once the premises are constructed, altered or acquired the holder of a provisional statement may apply for the necessary premises licence.

24.3 Where the holder of a provisional statement applies for a premise licence, no further representations from responsible bodies or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. In accordance with the guidance, there must be substantial changes to the plan in order for such a decision to be made, and each decision will take into account the merits of the individual application. The council will discuss any concerns of this nature with the applicants before making a decision

25.0 Buildings to be complete

25.1 A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling: The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the

gambling are constructed. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

26.0 Plan

26.1 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

26.2 The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

27.0 Location

27.1 This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, and to gambling becoming a source of crime or disorder. No areas in East Herts have been identified as areas where gambling premises should not be located, but if this situation changes, this statement will be updated. Any such future policy will not prevent an application being made, and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

27.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this document will be updated. It should be noted that any such policy would not preclude any application being made

and each application would be decided on its merits, with the onus upon the applicant to show how the concerns can be overcome. Reference would also be made to the local area risk assessment prepared by the operator.

28.0 Conditions

28.1 Any conditions attached to licences will be proportionate and will be:

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

28.2 Decisions on individual conditions will be made on a case by case basis. Where there is a need this licensing authority will consider;

- the use of door supervisors,
- supervision of adult gaming machines, and a
- appropriate signage for adult only areas.

28.3 This licensing authority will expect the licence applicant to offer their own conditions, where appropriate, to ensure the licensing objectives can be met effectively.

28.4 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

28.5 It is noted that there are conditions which the licensing authority cannot attach to premises licences:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required
- conditions in relation to stakes, fees, winning or prizes.

29.0 Duplication with other regulatory regimes

- 29.1 This authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 29.2 Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The licensing authority will however consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

30.0 Access by Children

- 30.1 When considering applications for premises to which children may be admitted, in cases where the issue of a licence would authorise the provision of gaming machines of categories C or higher, the licensing authority will expect the operator to ensure that:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 30.2 These considerations will apply equally to single premises and to buildings where multiple, discrete premises licences may have effect (for example, a multi-unit shopping centre, or a mixed use development with a number of retail and leisure units).

31.0 Door Supervisors

- 31.1 This licensing authority will consider whether there is a need for door supervisors to meet the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling, and also to prevent premises becoming a source of crime.
- 31.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 31.3 The Gambling Act 2005 amended the Security Industry Act and door supervisors at casinos or bingo premises need **not** be licensed by the Security Industry Authority. However, the licensing authority strongly recommends that any door supervisors or security staff who are employed should be licensed by the SIA.
- 31.4 This Licensing Authority will require that premises licence holders undertake Criminal Records Bureau checks and evidence of suitable training for door supervisors, or are SIA licensed where this is possible, where this is imposed as a condition. This recognises the nature of the work which may include checking ages, searching individuals and dealing with aggressive persons. This Licensing Authority may require specific requirements for door supervisors, which are shown to be appropriate to individual premises and subject to any codes of practice.

Types of Premises Licences

32.0 Adult Gaming Centres

- 32.1 This licensing authority has specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds cannot access the premises.
- 32.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures or licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- 32.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 32.4 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 32.5 As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

33.0 (Licensed) Family Entertainment Centres

- 33.1 This licensing authority has specific 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 gaming machine areas.
- 33.2 This licensing authority expects applicants to offer their own measures to meet the licensing objectives; appropriate measures / licence conditions may include:
- CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
 - Measures / training for staff on how to deal with suspected truant school children on the premises.
 - Staff are trained to have a full understanding of minimum age limits on participation in gambling
- 33.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 33.4 Measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.
- 33.5 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

34.0 Casinos

- 34.1 Under the Act, licensing authorities in England and Wales have the role of issuing premises licences for casinos and monitoring those licences.
- 34.2 New casino premises licences issued under the Act will fall into one of two categories namely large casino premises licence or small casino premises licence. These are subject to separate regulations, involving a two-stage application process.
- 34.3 Licensing authorities whose areas have been chosen for the new casinos should set out the principles they intend to apply when determining the 'winner' of a premises licence competition, in their statement of policy so that it is available to potential applicants before the authority invites applications for the available casino premises licences. The unsuccessful applicants must be informed of the result of the competition.
- 34.4 At the time of publication of this document this district is not an area chosen for a new casino and should the Council decide in the future to adopt a 'no casino' policy under section 166 of the Gambling Act 2005 it will update this document with details of that resolution. Any such decision will be made by full council.

35.0 Bingo premises

- 35.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 35.2 The holder of a bingo operating licence may provide any type of bingo game including cash and prize bingo.
- 35.3 Commercial bingo halls will require a bingo premises licence from East Herts Council.
- 35.4 Amusement arcades providing prize bingo will require a prize gaming permit from East Herts Council.
- 35.5 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, and they are only allowed to game on

category D machines. When considering applications of this type the council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

35.6 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the licensing authority will seek to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

35.7 The licensing authority notes that the Gambling Commission's Guidance states:

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that „licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises“ in order to prevent underage gambling.

- 18.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 18.10 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.
- 18.11 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.
- 35.8 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 35.9 Operators' attention is also drawn to paragraph 18.25 – 18.32 concerning primary gambling activity and the location of gaming machines.

36.0 Bingo in clubs and alcohol-licensed premises

- 36.1 Bingo may be provided on alcohol-licensed premises and in members' clubs and miners' welfare institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if

that limit is breached. Stakes or prizes above that limit will require a bingo operator's licence and the corresponding personal and premises licences.

37.0 Betting premises

- 37.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter licensed betting premises.
- 37.2 Betting premises may provide a limited number of gaming machines and some betting machines.
- 37.3 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.
- 37.4 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 37.5 The Council has the power to restrict the number of betting machines, their nature, and the circumstances in which they are made available. It will not generally exercise this power unless there are good reasons, taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.
- 37.6 This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the gaming machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature or circumstances of betting machines an operator wants to offer

- 37.7 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 37.8 Each application will be considered on its own individual merits.

38.0 Primary Gambling Activity

- 38.1 Operating licences issued by the Commission provides that gaming machines may be made available for use in licensed betting premises in combination with the named activity on the operating licence.
- 38.2 The licensing authority must be satisfied that the a premises applying for a premises licence to permit betting, or a premises which is already licensed to provide betting, is or will operate in a manner which a customer would reasonably expect to recognise as a premises licensed for the purposes of providing facilities for betting.. In this respect, the authority would expect such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.
- 38.3 The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.
- 38.4 Should the licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority will satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. (i.e. the need for operating licence holders to ensure that there are still sufficient facilities available to participate in the gambling activity appropriate to the licence type („the primary activity“ or „the principal activity“) at those premises and not replaced by the making available of gaming machines). Therefore, the

applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

39.0 Tracks

- 39.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site where races or other sporting events take place.
- 39.2 Track operators are not required to hold an 'operator's licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 39.3 Although there will, primarily, be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place on specific parts of the premises. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 39.4 In accordance with the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 39.5 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 39.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Location of gaming machines
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Staff are trained to have a full understanding of minimum age limits on participation in gambling

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

39.8 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.

40.0 Gaming machines on tracks

40.1 The licensing authorities needs to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to have four gaming machines, these machines are locate in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines at a track.

41.0 Betting machines on track premises

41.1 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

41.2 This licensing authority will, in accordance with the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to

monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

42.0 Condition on rules being displayed

42.1 It is a mandatory condition of premises licence that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks. The licensing authority will adopt the approach in line with guidance from the Gambling Commission that it may be disproportionate and unnecessary to display betting rules at each distinct betting location. The licensing authority will expect betting rules to be accessible to all customers, regardless of which area of the track they are in, and the track premises licence holder should make necessary arrangements to ensure to achieve this aim. This could include displaying rules at various parts of the track if certain areas are restricted to specific customers, or that other measures are taken to ensure that they are made available to the public, such as being could printed in the race-card or made available in leaflet form from the track office.

43.0 Travelling Fairs

43.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it is a statutory requirement that the facilities for gambling are no more than an ancillary amusement at the fair. This licensing authority decides whether that requirement is met and whether the applicant falls within the statutory definition of a travelling fair.

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

44.0 Reviews

- 44.1 Responsible Bodies and Interested Parties may apply to the Licensing Authority for a review of a premises licence.
- 44.2 However, it is for the licensing authority to decide whether to accept any application for review of a licence, after considering whether the application is:
- frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or substantially the same as previous representations or requests for review;
 - 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 principles.
- 44.3 In the interest of fairness, responsible authorities (including the licensing authority) are encouraged to give an early warning of concerns about problems identified at premises concerned and of the need for improvement, although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to apply for a review.
- 44.4 Any enforcement action taken by the licensing authority, including considering a review, will be undertaken in accordance with our compliance policy. The Licensing Authority may reject an application if it thinks that the grounds on which the review is sought:
- do not raise an issue relevant to the principles listed below;
 - are frivolous or vexatious;
 - will certainly not cause the Licensing Authority to wish to alter, revoke or suspend the licence;
 - are substantially the same as previous representations or requests for review.
- 44.5 Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted.
- 44.6 The licensing authority may review premises licences of its own volition on the basis of any reason which it thinks is appropriate. This may be on the

grounds that a premises licence holder has not provided facilities for gambling at the premises. A referral to a Licensing Sub-Committee of a set of premises for a review will be first approved by the Head of Housing & Health.

- 44.7 This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head of Housing and Health in consultation with the Executive Member for Planning & Growth.
- 44.8 The purpose of a review is to determine whether the licensing authority should take any action in relation to the licence. If action is justified the licensing authority may:
- add, remove or amend a licence condition (other than a mandatory condition)
 - exclude or amend a default condition imposed by regulations
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence.
- 44.9 In determining the appropriate course of action the licensing authority must have regard to the principles set out in section 153 of the Act as well as any relevant representations.
- 44.10 The Gambling Commission will be a responsible authority in premises licence reviews.
- 44.11 The licensing authority must have reasonable grounds in order to take action to amend, refuse, suspend or revoke a licence. In every case, an evidentiary basis for the review will need to be laid before the licensing authority.
- 44.12 It is noted that as per the Gambling Commission's guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except when concerning any 'no casino resolution) and also that unmet demand is not a criterion for a licensing authority. This may not be the case with respect to gaming permits.

Permits, Temporary & Occasional Use Notices

45.0 Unlicensed Family Entertainment Centre gaming machine permits

- 45.1 Where premises do not hold a Premises Licence but wish to provide only category D gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 of the Gambling Act, the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 45.2 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 45.3 Accordingly this licensing authority will also have regard to the licensing objectives when considering applications relating to unlicensed FEC permits.
- 45.4 An FEC gaming machine permit cannot be granted unless the chief officer of Police has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.
- 45.5 Statement of Principles
This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures or training for staff to deal with suspected truant school children on the premises, measures or training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 45.7 This licensing authority will also expect, following Gambling Commission guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- that they have no relevant convictions (those that are set out in Schedule 7 of the Act)
- and that staff are trained to have a full understanding of the maximum stakes and prizes.
- an awareness of local school holiday times and how to identify the local education office should truants be identified.

45.8 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

45.9 Applicants must submit with their application with a plan of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.

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

46.0 (Alcohol) Licensed premises gaming machine permits

46.1 The Act provides that premises licensed to sell alcohol for consumption on the premises, are automatically authorised to have 2 gaming machines, of categories C and/or D. These premises merely need to notify the authority and the notification process is prescribed under the Gambling Act.

46.2 Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (for example the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of gambling machines)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

- 46.3 Should it be necessary to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests.
- 46.4 If a premises wishes to have more than 2 machines, then it must apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and 'such matters as they think relevant'.
- 46.5 Statement of Principles
This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 46.6 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons this applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.
- 46.7 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 46.8 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an application for a new premises licence.
- 46.9 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

46.10 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

46.11 Administrative matters

Notifications for two or less machines shall be dealt with by the officers of the licensing authority under delegated authority.

46.12 Applications for three or more machines will be referred to a Licensing Sub-Committee of Councillors.

47.0 Prize Gaming Permits

47.1 Prize gaming may be provided in bingo premises as a consequence of their Bingo Operating Licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

47.2 The Licensing Authority can only grant a permit if they have consulted with chief officer of Police. Therefore, the Licensing Authority will consider the suitability of the applicant in terms of any evidence provided by the Police that would make them unsuitable to hold a prize gaming permit.

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

47.4 Applicants should set out the types of gaming they are intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
- and that the gaming offered is within the law.

47.5 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions to a permit.

47.6 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

47.7 Statement of Principles

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

47.8 This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

47.9 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

48.0 Club Gaming and Club Machines Permits

48.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

48.2 The licensing authority notes paragraphs 25.44 – 25.49 of the Commission’s Guidance as to matters to take into account when determining that a club meets the statutory qualifying requirements. These include:

- the clubs constitution;
- the frequency of gaming; and
- ensuring that there are more than 25 members.

48.3 The club must be conducted “wholly or mainly” for purposes other than gaming, unless the gaming is in bridge and whist clubs covered by regulations made by the Secretary of State. A members’ club must be permanent in nature, not established to make commercial profit and be controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

48.4 The Licensing Authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a 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 ten years; or
- an objection has been lodged by the Commission or the police

48.5 There are statutory conditions on club gaming permits that no child 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.

48.6 Club gaming permit

A club gaming permit allows the premises to provide:

- up to three machines of categories B, C or D
- equal chance gaming and
- games of chance as set out in regulations.

48.7 Club gaming machine permit

A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

48.8 The licensing authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

49.0 Lotteries

49.1 The Gambling Act 2005 regulates almost all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.

49.2 While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a payment is made for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.

49.3 Broadly speaking, there are two categories of lottery established under the Act –

- Licensed lotteries include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a local authority. An operating licence must be held by the promoter(s) of these lotteries.
- Exempt lotteries fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries

49.4 Licensed Lotteries

The administration and enforcement of licensed lotteries is the responsibility of the Gambling Commission, although local authorities may provide information and intelligence to assist in the exercise of these functions.

49.5 Exempt Lotteries

Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a local authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out compliance checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.

49.6 Registrations will remain in force indefinitely, incurring an annual fee in each year that they remain in force. Societies may request the cancellation of their registration, in writing, at any time. The licensing authority may also revoke a registration or cancel a registration for non-payment of annual fees. Revocation may only occur after the applicant has been given the opportunity to lodge representations.

49.7 Free prize draws & skill competitions

The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the

outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the licensing authority will be not become involved in any matters relating to such schemes.

49.8 However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries or prize gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide basic advice on ensuring that any competitions are run in compliance with the relevant laws. However, the licensing authority will not offer advice or approval of individual schemes, nor will it offer in depth advice as to the legality of a particular activity. It is ultimately the responsibility of the promoter to ensure that a scheme is compliant with statutory requirements, and to seek independent confirmation of this from a legal adviser where appropriate.

49.9 This licensing authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and will expect the promoter of any such scheme to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:

- prevent a significant proportion of people who wish to participate from doing so; or
- prevent a significant proportion of people who participate from receiving a prize.

49.10 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in Section 19 of the Gambling Act 2005. A society is non-commercial if it is established and conducted:

- for charitable purposes
- for the purposes of enabling participation in, or of supporting sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

49.11 All applications for registration must be in the form specified by the Secretary of State and accompanied by supporting documentation that the Licensing Authority will need to assess the application.

49.12 This Licensing Authority, when considering an application for registration may request additional information as deemed appropriate, this may include a declaration from the governing body of the society stating:

- the application is on behalf of a genuine non-commercial lottery
- that all persons connected with the promotion of the lottery have no relevant convictions or cautions against them
- briefly explaining the purpose of the society and; the reasons for the fund raising
- confirmation of the appointment of 2 members of the Society who have the authority to sign and complete the necessary returns
- and where a society intends to employ an external lottery manager, evidence that person holds an operator's licence issued by the Gambling Commission.

49.13 The licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted within three months of the date that a lottery was drawn)
- submission of incomplete or incorrect forms
- breaches of the limits for small society lotteries.

49.14 If the Authority is minded to refuse an application, the applicant will be notified in writing the reasons why it is considering refusal and the evidence on which it has based the preliminary conclusion. The applicant will be given the opportunity to provide further evidence in support of the application or to make representation regarding these matters.

50.0 Temporary Use Notices

50.1 Temporary Use Notices 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. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

50.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

50.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005

(Temporary Use Notices) Regulations 2007) state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. There can, however, be more than one competition with a single winner held at the individual event covered by a specific temporary use notice. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

- 50.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities and at paragraph 14.10 of the Guidance. As with “premises”, the definition of a “set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls with the definition of a “set of premises”, the licensing authority need to look at, amongst other things, the ownership/occupation and control of the premises.
- 50.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

51.0 Occasional Use Notices

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

52.0 Administration, Exercise and Delegation of Functions

- 52.1 The Licensing Committee will consist of between 10 and 15 councillors, sitting at least annually to discuss this Statement of Principles, review delegated decisions and administrative matters. The Council will review this Statement of Principles at least every three years. Any changes to the Statement of Principles will include full consultation of all interested parties and responsible authorities.
- 52.2 Sub-committee(s) of three Councillors will determine applications where representations have been received from interested parties and responsible authorities.
- 52.3 The Licensing Committee may also deal with other matters not associated with the Gambling Act 2005.
- 52.4 Each decision of the Licensing Committee or its Sub-Committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory register required to be kept by the Council.
- 52.5 The Council's authorised officers will deal with all other licence/permit application where either no representation/objection(s) have been received, or where representations have been received and it is agreed by all parties that a hearing is not necessary.
- 52.6 Council officers will make decisions on whether representations or applications for reviews should be referred to the Licensing Committee or Sub-Committee(s) and upon whether representations are frivolous, irrelevant, vexatious or repetitious. Where representations are rejected, the person making that representation will be given written reasons.
- 52.7 Where appropriate the Council will seek to delegate decision making so far as possible in the interests of speed, efficiency and cost effectiveness.
- 52.8 The Council will seek to integrate this Statement of Principles with its various other strategies/policies, having regard to the licensing objectives and will utilise its collaborative and partnership working arrangements and networks that engage with responsible authorities, interested parties and key stakeholders.

53.0 Contact Point

53.1 For further information about this statement or to discuss an actual or future applications, please contact:

Licensing Team
East Herts Council
Wallfields, Pegs Lane
Hertford, Hertfordshire
SG13 8EQ

Telephone: 01992 531503

E-Mail: community.protection@eastherts.gov.uk

Appendix 1 - Consultation

The consultation on this Statement of Gambling Principles was open to the public and was been widely publicised. Anyone who wanted to make comment was welcome to do so during the 4 week consultation. Below is a list of individuals, organisations and / or representatives directly consulted in the preparation of the Statement of Principles. The list is not exhaustive but gives a good indication of the scope of the consultation exercise.

- The responsible authorities designated under the Act
- Holders of licences, permission, notices, etc. issued by the Licensing Authority under the Gambling Act
- Solicitors and agents that have previously submitted applications
- Representatives of residents associations in the area
- Gambling Commission
- East Herts Councillors
- Town Councils
- Parish Councils
- Community Voice
- Hertfordshire County Council
- Neighbouring Local Authorities
- Chamber of Commerce
- Local Community Safety Partnership
- Hertfordshire Environmental Forum
- Hertfordshire Local Enterprise Partnership (LEP)
- Bishop's Stortford Business Improvement District
- Federation of Small Businesses
- Spectrum Drug & Alcohol Services
- East Herts Licensed Taxi Trade
- Community Safety Partnership (CSP)
- Safety Advisory Group (SAG)
- Hertfordshire Safeguarding Children Partnership
- Local planning authority
- Environmental Health
- HM Revenue & Customs
- Hertfordshire Modern Slavery Partnership Coordinator, Shiva Foundation
- Gambling support services both locally and nationally

This page is intentionally left blank

East Herts Council Report

Licensing Committee

Date of Meeting: 13 October 2021

Report by: Claire Mabbutt, Licensing Enforcement Officer

Report title: Review of licensing activity in Quarter 1 2021

Ward(s) affected: All

Summary

- Quarterly reports are presented to Licensing Committee to ensure oversight of these areas of regulation and allow the authority to evidence that it is fulfilling its statutory responsibilities.

RECOMMENDATIONS FOR Licensing Committee:

(A) That Members review and comment on the Licensing activity from Quarter 1 of 2021.

1.0 Proposal(s)

1.1 That the report is received by the Licensing Committee.

2.0 Background

2.1 The council's Licensing and Enforcement Team covers the Hackney Carriage and Private Hire licensing, alcohol, entertainment and late night refreshment licensing and notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.

2.2 This report presents data for the year to date on processing

and enforcement, delegated decisions and Licensing Sub Committee involvement, on licences, notices, and permits, and applications including:

- alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003;
- gaming under the Gambling Act 2005;
- taxi drivers, vehicle proprietors and operators.

3.0 Reason(s)

- 3.1 The quarterly and annual reports are a regular feature of Licensing Committee and allow Member oversight of the licensing function.
- 3.2 Members requested that further details be provided in relation to any trends in the types of complaints received. During Q1 the vast majority of complaints relate to concerns about compliance with Covid-19 regulations.
- 3.3 The number of complaints in the first half of 2021 when compared with the same period in 2020, does not significantly differ. This relates to the pandemic and subsequent lockdowns.
- 3.4 The team have assisted with inspections of licensed premises during Friday and Saturday evenings and have supported the Police and Environmental Health with enforcement where requested. The key role has been to support compliance whilst helping to gather evidence where necessary.
- 3.5 The enforcement team's work normally involves ensuring that all documentation for taxi drivers and vehicles is up-to-date and therefore ensuring licences are valid. This role has slightly changed as due to the pandemic many licensed drivers are not working and so are allowing checks relating to themselves and their vehicles to lapse. The enforcement team is ensuring that our records are kept up-to-date and that people with expired

documents are suspended until they are ready to go back to work and produce the required documents.

- 3.6 Under the licensing points system during Q1, 0 points have been issued. No points have been issued for failure to produce documents within this period.
- 3.7 The figures for the quarterly performance indicators for licensing for Q1 are detailed in the table below with the 2020/21 overall figures for comparison.

Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated	2020/2021 overall figures	2021 Q1	Target
Percentage of valid personal licences processed within 2 weeks	97%	100%	85%
Percentage of valid temporary event notices processed within 72 hours	82%	80%	90%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	100%	100%	99%
Percentage of driver’s licences issued within 30 working days of validation	100%	100%	95%

- 3.8 Further details regarding licensing matters can be found at **Appendix A.**

- 3.9 Performance data and year on year comparison figures can be

found in **Appendix B**.

4.0 Options

4.1 To not provide the members of the Licensing Committee with Quarterly reports. This option was dismissed as it would not allow for oversight of this area of regulation by Member.

5.0 Risks

5.1 None identified by author.

6.0 Implications/Consultations

Community Safety

Proper scrutiny of the work of the Licensing & Enforcement team helps to ensure that policies and procedures promote community safety.

Data Protection

None

Equalities

None

Environmental Sustainability

No

Financial

None as any work either carried out or proposed will be possible within existing budgets.

Health and Safety

None

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

None

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** - Further details regarding decision making, project and policy work and licensing matters dealt with by Environmental Health

7.2 **Appendix B** – Performance data from 1st April 2021 to 30th June 2021. Year on Year comparison figures for applications and granted licences, notices and other permissions.

Contact Member

Councillor Jan Goodeve, Executive Member for Planning and Growth
jan.goodeve@eastherts.gov.uk

Contact Officer

Jonathan Geall, Head of Housing and Health, Tel: 01992 531594.
jonathan.geall@eastherts.gov.uk

Report Author

Claire Mabbutt, Licensing Enforcement Officer, Tel: 01992 531643.
claire.mabbutt@eastherts.gov.uk

This page is intentionally left blank

Licensing Activity report: 1st April 2021 to 30th June 2021

1. Context

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling.

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team and are included at point 7.

Licensing matters managed by the Licensing & Enforcement Team

2. Taxis

The activity over the period in question has been as follows:

New driver applications	5 (3 dual drivers & 2 private hire drivers)
New applicants who have attended training	5
Resits of knowledge test	0
Existing drivers who have attended update training	0 (recommencing with E-Learning in Q2/Q3)
Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	3 (non-production of valid documents)
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	1 (Revocation of Dual Driver Licence following a conviction)
Appeals against licensing points – decision by Head of Housing and Health	0
Upheld	n/a
Dismissed	n/a
Appeals of decision – decision by court	0
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0

Prosecution sought	0
Successful	0
Unsuccessful	0
Judicial reviews	0

There is a strong desire among both Members and officers to build on the council's work to promote high quality taxi licensing. Through the Herts and Beds Licensing Group work continues on joint authorisation of officers. A draft agreement has been circulated and initially it is proposed that East Herts, Watford and St Albans will authorise each other's officers.

3. Premises

During Q1 of this financial year 3 applications were decided by Licensing Sub-Committees. There is a significant amount of work for officers whenever there is a contested application and the costs of a Licensing Sub-Committee are not covered by the fees set by Central Government. The details of the matters brought before Licensing Sub-Committees are shown below.

Premises/Person	Location	Type of application	Resolved
Tesco – Bishops Park Centre	Bishop's Stortford	Premises Licence Variation	Granted with conditions
Silver Leys Polo Club	Little Hadham	New Premises Licence	Granted with conditions
Proove	Hertford	New Premises Licence	Granted with conditions

4. Temporary Event Notices

The number of TEN's received by the authority in Q1 was 36 more than in the same period of 2020. This is a result of the Covid-19

regulations limiting the numbers of persons able to gather and the types of events allowed to proceed.

As Members are aware only the Police and Environmental Health can object to TEN's and they also both have powers under the regulation relating to Covid-19.

The Service Manager – Licensing & Enforcement sits on the County Wide “Events Coordination Group”. The group was formed to provide a forum for supporting Safety Advisory Groups (SAG's) & Safety Advisory Teams (SAT's) across the county with a particular focus on ensuring any events are covid safe.

As part of this work all TEN's received by the Licensing Team are forwarded in a redacted form to East Herts Sag so that they are aware of events and can flag up concerns where necessary.

5. Pavement Licences

As part of the measures to assist the hospitality industry during this very difficult time Central Government introduced a fast track version of the Pavement Licensing regime administered by County Councils. The temporary regime has been extended to September 2022 and the appropriate changes to the policy have been made to accommodate this. The period of time for which a granted licence lasts has been amended from 7 months to 12 months.

This page is intentionally left blank

Appendix B

Q1 2020 Data – 1st April 2020 to 30th June 2020

Q1 2021 Data – 1st April 2021 to 30th June 2021

Licensing Act 2003

Premises Licence Applications	Q1 2020	Q1 2021
New	0	0
Variation	2	0
Minor Variation	0	1
Transfer of premises licence	0	0
Change of designated premises supervisor	2	2
Interim Authority notice	0	0
Review	0	0
Suspended	0	0

Club Premises Certificates Applications	Q1 2020	Q1 2021
New	0	0
Variation	0	0
Minor Variation	0	0
Transfer of premises licence	0	0
Interim Authority notice	0	0
Review	0	0
Cancelled/surrendered	0	0
Suspended	0	0

Personal Alcohol Licences Applications	Q1 2020	Q1 2021
New	18	26
Amendments (change of address etc)	1	3
Refused	0	0

Temporary Event Notices Received	Q1 2020	Q1 2021
TENs received	11	47
Objections (Police or Environmental Health)	0	1
Refused	0	0

GAMBLING ACT 2005

New Applications	Q1 2020	Q1 2021
Club Machine Permits	0	0
Small Society Lotteries	8	9
Betting Premises Licence (Betting shops)	0	0
Licensed Premises Gaming Machine Permit	0	0
Notification of Gaming Machines	1	0

CHARITY COLLECTIONS

New Applications	Q1 2020	Q1 2021
House To House	1	3
Street Collections	1	4

This figure does not include direct debit collections or those charities with a National dispensation to collect who simply notify us of their intention to collect in East Herts.

DISTRIBUTION OF FREE LITERATURE

	Q1 2020	Q1 2021
New Applications	0	0

TAXIS

Dual Drivers	Q1 2020	Q1 2021
New	0	3
Renewed	7	6

Private Hire Drivers	Q1 2020	Q1 2021
New	0	2
Renewed	2	1

Private Hire Operators	Q1 2020	Q1 2021
New	0	1
Renewed	0	2

Hackney Carriage Vehicles	Q1 2020	Q1 2021
New	1	16
Renewed	45	42
Change of vehicle	8	10

Private Hire Vehicles	Q1 2020	Q1 2021
------------------------------	----------------	----------------

New	2	5
Renewed	8	4
Change of vehicle	1	0
Courtesy vehicles	1	2

Pavement Licences (since 23rd July 2020)

	Q1 2021
New Applications	2
Refused	0
Invalid	0
Existing	6
Total issued	8

STREET TRADING (since 01st April 2021)

	Q1 2021
New Applications	2
Total issued	2

TOTALS NUMBERS OF LICENCES

Type of Licence	01/04/21	04/05/21	07/06/21
Premises Licence	287	288	289
Club Premises Certificates	35	35	35
Personal Alcohol Licences	2089	2099	2106
Betting Premises Licence	15	15	15
Dual Drivers	261	262	268
Hackney Carriage Vehicles (including suspended plates)	200 (2 Suspended)	205 (4 Suspended)	209 (4 Suspended)
Private Hire Drivers	56	56	51
Private Hire Vehicles (including suspended plates)	42 (0 Suspended)	41 (0 Suspended)	43 (0 Suspended)
Private Hire Operators	36	33	32

Figures regarding licensed vehicle numbers are routinely recorded so figures are available from 2013.

Date	Number of Hackney Carriage vehicles	Number of Private Hire vehicles
June 2013	250	46
June 2014	254	44
June 2015	257	57
June 2016	257	56
June 2017	266	58

Date	Number of Hackney Carriage vehicles	Number of Private Hire vehicles
December 2017	265	62
June 2019	251	66
February 2020	254	61
December 2020	219	40
February 2021	208	41
March 2021	206	40
April 2021	200	42
May 2021	205	41
June 2021	209	43

LICENSING RECORD POINTS ISSUED

	Q1 2020	Q1 2021
Points issued	0	0
Number of drivers issued points	0	0