

LICENSING COMMITTEE
Tuesday 8 March 2022 at 7.30pm
Council Chamber - Civic Centre

AGENDA

1. Apologies for Absence
2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.
3. Minutes (Pages 2 - 4)
4. Matters Arising
5. Written Questions and Petitions
6. Committee Work Plan (Page 5)
7. Response on Gambling Policy Consultation (Pages 6 - 53)
8. Department for Transport Standards - Review of Taxi/Private Hire Driver Licence Duration (Pages 54 - 59)
9. References from Other Committees

Any references arising from meetings held after the publication of this agenda will be circulated separately.
10. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE LICENSING COMMITTEE
HELD ON**

18 January 2022

7.30 - 8.27 pm

PRESENT

Committee Members

Councillor Nick Churchill (Chair)
Councillor Clive Souter (Vice-Chair)
Councillor David Carter
Councillor Joel Charles
Councillor Jodi Dunne
Councillor John Steer
Councillor Gareth Williams

Officers

Hannah Criddle, Governance Support Officer
Michael Pitt, Assistance Director Environment
Adam Sherwood, Principal Licensing Officer
Denise Westwood, Assistant FCilex

32. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Maggie Hulcoop, Andrew Johnson and Nancy Watson.

33. **DECLARATIONS OF INTEREST**

None.

34. **MINUTES**

RESOLVED that the minutes of the meeting on 16 November 2021 are agreed and signed as a correct record by the Chair.

35. **MATTERS ARISING**

None.

36. **WRITTEN QUESTIONS AND PETITIONS**

None.

37. **COMMITTEE WORK PLAN**

Michael Pitt, Assistant Director Environment, advised that the report of the DfT Standards – Over Arching Taxi and Private Hire Policy Recommend Consultation would be carried over to a meeting in the next municipal year.

Michael Pitt also advised that a report on the response to consultation on the Gambling Policy would be added to the work plan for March 2022.

RESOLVED that the work plan was noted.

38. **DFT STANDARDS - POLICY REQUIRED ON STRETCHED LIMOUSINES**

The Committee received a report on the updated Department for Transport Standards policy for stretched limousines and chauffeur vehicles.

RESOLVED that:

- A** The Licensing Committee recommend to Full Council adoption of the amended licensing policy as set out under proposals below at paragraphs 11 to 14.
- B** Subject to A, the amended policy be implemented on approval by Full Council.

39. **THE RELATIONSHIP BETWEEN LICENSING AND COMMUNITY SAFETY POLICY AREAS**

The Committee received a report on the relationship between Licensing and Community Safety policy areas.

The Committee noted that a further update report would be brought back to the Committee and suggested that this be added as a further recommendation to the report.

RESOLVED that:

- A** The Licensing Committee note the content of the report, and approve the proposal that to optimise synergy of operation the Licensing Team work closely with the Community Safety Team to develop a Community Safety Strategy in the forthcoming municipal year.
- B** A further report be presented to the Licensing Committee to update on the relationship and work between the Licensing Team and Community Safety Team.

40. **UPDATE FOLLOWING STREET DRINKING REPORT IN SEPTEMBER 2021**

The Committee received an update report on street drinking and licensing controls.

RESOLVED that:

A The Licensing Committee note the content of the report.

B A further report be presented to the Licensing Committee to update on progress towards reducing street drinking in the town centre.

41. **REFERENCES FROM OTHER COMMITTEES**

None.

42. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

Licensing Committee Work Plan 2021/22

Tuesday 6 July 2021	Tuesday 7 September 2021	Tuesday 16 November 2021	Tuesday 18 January 2022	Tuesday 8 March 2022
Licensing Sub Committee Decisions 2020/21	Options to address street drinking from within the Licensing System	Harlow Council Food Safety Enforcement Plan 2021/2022	DFT Standards; Policy required on stretched limousines	DFT Standards; Review of taxi / private hire driver licence duration
Licensing Team Enforcement Activity & Service update 2020/21	DFT Standards; New requirements for private hire vehicle proprietors / operators and staff	Update report following Street Trading Policy Consultation (consultation ends 24 August 2021)	The relationship between Licensing and Community Safety policy areas	DFT Standards; Introduction of Language Proficiency Testing for taxi and private hire drivers
	Fees and Charges Review (as required)	Review Gambling Licensing Policy Statement	Update following Street Drinking report in September 2021	Update on changes to Licensing Procedures following Covid-19 Pandemic
				DFT Standards; overarching taxi and private hire policy; recommend consultation
				Response on Gambling Policy Consultation

REPORT TO: LICENSING COMMITTEE

DATE: 8 MARCH 2022

TITLE: PROPOSED GAMBLING ACT 2005 LICENSING POLICY STATEMENT

LEAD OFFICER: MICHAEL PITT
ASSISTANT DIRECTOR ENVIRONMENT (01279) 446114

CONTRIBUTING OFFICERS: ADAM SHERWOOD
PRINCIPAL LICENSING OFFICER (01279) 446561

CHRISTINE CHEUNG
SENIOR LICENSING OFFICER (01279) 446129

RECOMMENDED that:

- A** The Licensing Committee recommend to Full Council adoption of the Gambling Licensing Policy Statement for the purposes of the Gambling Act 2005 as proposed in the body of the report, and attached as Appendix A to the report.

BACKGROUND

1. Harlow Council is the Local Licensing Authority for the purposes of the Gambling Act 2005 (the Act). Under Section 349 of The Gambling Act 2005 The Licensing Authority is required to publish a Statement of Gambling Act Policy and review the Policy at three-yearly intervals. The Council's current policy was adopted by Full Council in December 2018 and took effect from March 2019.
2. Under section 25 of the Act the Gambling Commission issues guidance to licensing authorities on how they should discharge their functions and duties. The current edition of the Commission's guidance (GLA) was issued in April 2021. The proposed replacement Gambling Licensing Policy Statement that is set out in Appendix A to the report reflects that guidance.
3. On 16 November 2021 Licensing Committee considered a draft Gambling Licensing Policy Statement and approved it for public consultation which took place between 19 November 2021 and 28 January 2022.
4. Three responses have been received, from:
 - a) Poppleston Allen acting for Merkur Slots UK Limited and Merkur Bingo & Casino Entertainment UK Limited
 - b) Poppleston Allen acting for Power Leisure Bookmakers Ltd
 - c) Martin Harris, Team Rector St Paul's and St Mary's Church.
5. The consultation responses are set out in Appendix B to the report.

ISSUES/PROPOSALS

6. The Licensing Team have considered the consultation responses received and, as a consequence, has proposed appropriate amendments to the draft policy. The changes made reflect the Gambling Commission's Licence Conditions and Codes of Practice (LCCP/Social Responsibility Codes) while ensuring child protection is given appropriate weight in the application process.
7. A new district map in Annex D to the Policy also now identifies premises and other relevant areas to be considered as part of any Local Area Risk Assessment. So that changes from the existing policy can be readily identified, the text in Appendix A is coded as follows:
 - a) Black – the text of the existing policy
 - b) Red & Green – amendments to form the consultation draft
 - c) Blue – proposed amendments following consultation
 - d) Struck through – text to be removed
8. It is proposed that the amended Gambling Licensing Policy Statement as attached at Appendix A to this report, subject to struck through text being omitted and without colour coding, be recommended for adoption at the next Full Council meeting.
9. It is proposed that a further review of the Council's Gambling Licensing Policy Statement be carried out in the light of the White Paper, now anticipated in May 2022, following the Government's review of the Gambling Act 2005.

IMPLICATIONS

Strategic Growth and Regeneration

None specific.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

None specific.

Author: Andrew Murray, Director of Housing

Communities and Environment

As set out in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

The Council is under a duty to review its Gambling Act Policy every three years and to consult on any changes. The Council has fulfilled its requirement

to consult under the Act and the received responses have resulted in changes to the policy.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

Appendix A – (Amended) GAMBLING LICENSING POLICY STATEMENT

2022-2025 Final Version

Appendix B – Consultation Responses

Background Papers

The Gambling Commission Guidance to licensing authorities published on 1st April 2021 and last updated on 13th May 2021.

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

The Gambling Commission 'Review of The Gambling Act 2005 Terms of Reference and Call for Evidence'. Published 8th December 2020.

<https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence#how-to-respond>

Glossary of terms/abbreviations used

GLA - The Gambling Commission Guidance to licensing authorities.

The Act - The Gambling Act 2005



GAMBLING LICENSING POLICY STATEMENT 2022–2025

Gambling Policy Document –
Adopted by Full Council **31st March 2022**
To take effect from **31st March 2022**

Version History

Version No:	Period to which policy applies:	Review date:
1	2007-10	
2	2010- 2013	
3	2013-16	
4	2016-19	
5	2019-22	2021
6	2022 - 2025	2024

DRAFT

HARLOW DISTRICT COUNCIL GAMBLING LICENSING POLICY STATEMENT
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PART A

1.0 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles by which Harlow Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), intends to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm
- determining whether or not a person is an "Interested Party"
- exchanging information with the Gambling Commission and others and
- inspection of premises and institution of court proceedings for offences committed under the Act.

1.2 In exercising their functions under Section 153 of the Act the Authority shall aim to permit the use of premises for gambling in so far as it thinks it is

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives
- in accordance with the Authority's statement of licensing principles.

2.0 THE LICENSING OBJECTIVES

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

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

3.0 DESCRIPTION OF THE DISTRICT

3.1 The County of Essex comprises 12 District and 2 Unitary Authorities. Harlow District Council is one of the 12 district authorities. Harlow is located on the south-western boundary of Essex bordering East Hertfordshire and Epping Forest Councils. Harlow is strategically located in the London-Cambridge corridor and is served by London Liverpool Street station to Cambridge railway line and has nearby connections to the M11, M25 and A10. A map of the area is attached to this Policy document at Annex 'D'

3.2 Harlow Council's functions are administered by the Licensing Team, part of [Environment and Planning Communities and Environment](#) Services located at the Civic Centre, 3rd Floor, The Water Gardens, Harlow, Essex, CM20 1WG. The Licensing Team may be contacted on 01279 446655, via www.harlow.gov.uk or by email licensing@harlow.gov.uk

4.0 RESPONSIBILITIES UNDER THE ACT

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

- 4.2** Harlow Council is the Licensing Authority for the area shown on the attached map, whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.
- 4.3** The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-
- operate a casino
 - provide facilities for playing bingo or for pool betting
 - provide betting or act as intermediaries for betting.
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres
 - manufacture, supply, install, adapt, maintain or repair gaming machines
 - manufacture, supply, install or adapt gambling machine software, or
 - promote a lottery
- 4.4** The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries. The Council is mindful of its responsibilities under the act including the need to ensure that children and vulnerable people are protected from harm, and so all licence applications are scrupulously and robustly considered against the appropriate criteria.
- 4.5** The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as it thinks it :-
- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c) reasonably consistent with the Licensing Objectives (Subject to paragraphs a) and b)) and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

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

5.0 STATEMENT OF LICENSING POLICY

- 5.1** The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 5.2** This Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3.** This Policy takes effect on **31st March 2022**, and replaces the policy previously in force.

6.0 CONSULTATION

- 6.1** In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to

consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex 'A'.

6.2 The Act requires that the following parties be consulted by the Licensing Authority:-

- Responsible authorities

6.3 Other proposed consultees include:

- Local interested persons, community groups, local and regional organisations, groups and persons representing children and vulnerable persons, legal advice services, religious institutions, mental health centres and practitioners, gambling charities and other local and regional groups
- 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
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.

6.4 Consultation took place between 19th November 2021 and 28th January 2022.

7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on 31st March 2022 and was published via its website on 31st March 2022. Copies are available on request.

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

8.0 DECLARATION

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

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various Equality Policies.

9.0 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex 'B'. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.

9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

- the competency of the body to advise the Licensing Authority
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area and
- the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates Essex Safeguarding Children Service Board as the competent authority to advise on the protection of children.

10.0 INTERESTED PARTIES

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

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

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

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

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

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

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

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

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises
- The catchment area of the premises (i.e. how far people travel to visit) and
- Whether the person making the representation has business interests in that catchment area that might be affected.

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

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

11.0 EXCHANGE OF INFORMATION

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

- the provisions of the Act, which include the provision that the Data Protection Act 2018 will not be contravened
- the Guidance issued by the Gambling Commission
- relevant Legislation and Regulations

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

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

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

12.0 PUBLIC REGISTER

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

13.0 COMPLIANCE AND ENFORCEMENT

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

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

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to [Environment and Planning Communities and Environment Services: General Enforcement Policy](#).

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act, is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.

- 13.5** Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the General Enforcement Policy. A copy of this document is available on the Council website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 13.6** As part of its inspection regime, the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, The Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7** Where a Primary Authority Scheme is in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral - Ladbrokes Coral Group plc and London Fire Brigade (t/as Ladbrokes Betting & Gaming and Coral Racing)
 - Ladbrokes - Ladbrokes Coral Group plc and Milton Keynes Council (t/a's Ladbrokes Betting & Gaming and Coral Racing)
 - Paddy Power - Reading Borough Council and Power Leisure Bookmakers Ltd (t/as Paddy Power)
 - William Hill - Reading Borough Council and William Hill PLC (t/as William Hill)

PART B PREMISES LICENCES

14.0 GENERAL PRINCIPLES

14.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.

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

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

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

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

- a) in accordance with any relevant Code of Practice under Section 24 of the Act
- b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25
- c) reasonably consistent with the Licensing Objectives (Subject to paragraphs a) and b)) and
- d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

14.5 DEFINITION OF PREMISES

In the Act a 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

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

14.6 DEMAND

Demand is a commercial consideration and is not an issue for the Licensing Authority.

14.7 LOCATION

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

14.8 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that

considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

- 14.9** In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 14.10** The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 14.11** The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in an area subject to high levels of crime and/or disorder
 - the ethnic profile of residents in the area, and how game rules, self-exclusion leaflets etc. are communicated to those groups
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather and
 - places listed under 14.16 below
- 14.12** In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 14.13** Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored
 - The layout of the premises so that staff have an unobstructed view of persons using the premises
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
 - The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines

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

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

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

14.16 LOCAL AREA PROFILE

The Gambling Commission introduced new provisions in the social responsibility code within the 'Licence Conditions and Codes of Practice' which require gambling operators to assess local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. These provisions came into force on 6th April 2016 and apply to operators of;

- Adult gaming centres
- Family entertainment centres
- Non remote betting
- Non remote bingo
- Non remote casinos
- Remote betting intermediates (trading room only)

This guidance has been produced to assist gambling operators in undertaking and preparing their local (premises) risk assessments. There is no definitive list of factors or premises which would influence the risk assessment or which are considered sensitive but the Council considers that Operators should have regard to the following;

- Playgrounds, parks and open spaces to which children are attracted
- Schools and children's centres
- Youth Clubs
- Scout groups
- Nurseries
- Leisure Centres
- Doctors surgeries and clinics
- Alcohol and drug support services
- Homeless or rough sleeping centres
- Places of worship

Who is vulnerable? Findings from studies in Manchester and Westminster

In their study, Manchester and Westminster conducted research to establish who may be at risk. The research identified the following;

Those with constrained social and economic circumstances. This may include;

- persons living in deprived areas,
- the unemployed
- low income groups,
- persons experiencing social isolation and homelessness.

Those with certain demographic characteristics such as age, gender and ethnicity. Although broadly accepted that these characteristics often serve as a proxy for other mechanism

Persons with poor judgement; certain mental health conditions, learning disabilities or low educational attainment, temporary impairment, longer term difficulties due to substance use/misuse issues etc.

Other groups, such as problem gamblers seeking treatment or those with substance abuse/misuse issues.

The Council has identified the location of premises that it considers sensitive and plotted these on the plan below in Annex D1. Operators will wish to consider the location of these premises and any other sensitive premises known to the operator when carrying out their risk assessments.

Plan

~~Premises and facilities to be considered by an operator when producing a risk assessment are available on request from Harlow Council.~~

The obligation to produce a local risk assessment and to identify risk factors applies in the following circumstances;

- On application for a new licence
- On application for a variation to an existing licence
- Where changes in the local environment or at the premises have been identified by the operator. For example where a new school has been built or substantial new nearby development has taken place.

Steps available to operators to mitigate local risks: After making their risk assessment, the operator may wish to consider applying further controls. Matters to be considered may include;

- Staffing levels
- The provision of enhanced staff training
- The design of the facilities to enable gambling at the premises
- The proposed security arrangements at the premises
- The gambling products offered at the premises
- Arrangements for publicity and marketing material at the premises
- Display and provision of information at the premises

The design and layout of the premises are key considerations and may have a significant impact on local risks to the licensing objectives; **therefore the Authority shall require an appropriately defined plan of the premises to accompany any application.**

- Operators with premises located in areas with high numbers of children and young people may wish to avoid the use of a standard external design in order to reduce the risk of attracting young people. The Council may add control measures identified in the operator's assessment as conditions to be attached to the licence.

14.17 The LAP should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the LAP and assessment, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.

14.18 The Licensing Authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However, an applicant who decides to disregard the LAP should be alert to the risk that they may face additional representations and the expense of a hearing as a result. A template of a suggested local risk assessment form for is included at Annex E. Applicants and licence holders may use this template or create their own.

14.19 DUPLICATION WITH OTHER REGULATORY REGIMES

Duplication with other statutory/regulatory regimes will be avoided where possible. **In particular, in making a determination in respect of an application** the Licensing Authority will not consider whether a licence application is likely to be granted Planning Permission or Building Control consent, **but will make its decision on the individual merits of each application.**

14.20 THE LICENSING OBJECTIVES

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

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

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

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

Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –**

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

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

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to gambling.

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

The Licensing Authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted. [The Licensing Authority recognises there are wider social and economic issues to consider with regards to protecting children and vulnerable persons](#) and will fully scrutinise the control measures outlined in an operator's local area risk assessment in this regard.

~~The Licensing authority shall expect applicants 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 including the risk of child sexual exploitation.~~

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

14.21 CONDITIONS

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In

exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives.

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

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

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

- Proof of age schemes
- Arrangements for monitoring and dealing with underage or vulnerable persons, which may include dedicated trained personnel, leaflets, posters, self-exclusion schemes and information for support organisations such as GamCare, records of refusals and external signage should not entice passers-by.
- Steps should generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regards to premises situated where there may be a high rate of reported truancy.
- ~~Appropriate measures/training for staff as regards suspected truant school children on the premises and how to recognise potential signs of child sex exploitation.~~
- Closed Circuit Television
- Door Supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entrances
- Notices and signage
- Specific opening hours
- ~~Clear policies that outline the steps to be taken to protect children from harm and~~
- ~~With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.~~

This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP), the Social Responsibility Codes in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling and how they monitor the effectiveness of these. The Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.

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

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

14.23 CREDIT

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

14.24 BETTING MACHINES [See Annex C for definition]

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

14.25 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises
- the number of counter positions available for person to person transactions and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

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

14.27 In all applications where a plan is required to be submitted, The Licensing Authority expectation is that, it will be in a scale of 1:50 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):

- The extent of the proposed licensed area
- All entry and exit points (including fire exits)
- CCTV camera positions
- Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's
- Any fixed or permanent structures including counters
- Privacy screens (see also section 21 of this policy)
- All unlicensed areas under the control of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.

15.0 PROVISIONAL STATEMENTS

15.1 An application for a provisional statement may be made in respect of premises which the applicant

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy.

The applicant should refer to the Act and the detailed information provided in the Guidance

16.0 REVIEWS

16.1 Applications for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

16.2 It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below;

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy
- Whether the grounds for the request are frivolous or vexatious
- Whether the grounds for the request would certainly not cause the Licensing Authority to alter/revoke/suspend the Premises Licence
- Whether the grounds for the request are substantially the same as previous representations or requests for a review

- In accordance with any relevant codes of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives

16.3 In accordance with the Guidance. The Licensing Authority can also initiate a review of a Licence on the basis of any reason which it thinks is appropriate

APPEALS

An appeal may be made to the Magistrates' Court against a decision of the Licensing Authority. The appeal must be made within 21 days of being notified of the decision to be appealed against.

The following may appeal;

- The applicant;
- A Responsible Authority or any person who made relevant representations;
- In the case of a review, the holder of the licence or permit being reviewed.

REVOCAION OF LICENCES

If annual fee payment has not been made by the specific deadline the Licensing Authority will contact the licensee and advised them of the need to make the payment immediately. If the annual fee is not made then the Licensing Authority will take the required steps which will be to revoke the Gambling Act 2005 Premises Licence or Permit.

If the licensable activity continues whilst a licence is revoked the Licensing Authority will start enforcement action for the relevant offence of operating without the correct permission being in place. It should be noted that same of punishment relating to providing licensable activities without required permission can include imprisonment or very large fine or both.

17.0 ADULT GAMING CENTRES

17.1 An Adult Gaming Centre is defined in Annex 'C'. Entry to these premises is age restricted.

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

18.0 LICENSED FAMILY ENTERTAINMENT CENTRES

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

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

19.0 CASINOS

19.1 A casino is defined in Annex 'C'. Entry to these premises is age restricted

19.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area. No such resolution has been made.

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

19.4 BETTING MACHINES

Conditions may be imposed, in accordance with paragraphs 14.13,-14.24, 14.25 and 14.26, above.

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

19.6 CREDIT IN CASINOS

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

20.0 BINGO PREMISES

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

20.2 If children are allowed to enter premises licensed for bingo it is important that 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 Authority will expect to see 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 (over 18s) 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 an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

20.4 CREDIT BINGO IN PREMISES

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

21.0 BETTING PREMISES

21.1 Betting is defined in Annex 'C'. Entry to these premises is age restricted.

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

21.3 BETTING MACHINES IN BETTING PREMISES

Conditions may be imposed, in accordance with paragraphs 14.24, 14.25 and 14.26 above.

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

21.5 FIXED ODDS BETTING TERMINALS (FOBT's)

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences

including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities. During the review period, the government had indicated the law dealing with FOBT's would be revised.

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

22.0 TRACKS

22.1 A Track is defined in Annex 'C'. Entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance.

22.2 Tracks may be subject to one or more premises licences provided each licence relates to a specified area of the track. The 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) in the determination of premises licence applications for tracks 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.

22.3 The Authority will expect a 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.

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

22.5 BETTING MACHINES AT TRACKS

Conditions may be imposed, in accordance with paragraphs 14.24, 14.25 and 14.26 above.

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

23.0 TRAVELLING FAIRS

23.1 Facilities for gambling (being category D machines and/or equal chance prize gaming without a permit) must amount to no more than an ancillary amusement at the fair. The Licensing Authority will determine whether this requirement is being met.

PART C PERMITS

24.0 GENERAL PRINCIPLES

The Gambling Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

25.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

25.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

25.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority. Full details can be found in section 14.27

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

- A basic Disclosure & Barring Service check or equivalent criminal record check for the applicant and the person(s) having the day to day control of the premises
- Proof of age schemes
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises
 - children causing perceived problems on/around the premises, or
 - suspected truant children

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

26.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

26.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D via a notification to the Licensing Authority.

26.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

26.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a Permit.

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

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

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

27.0 PRIZE GAMING PERMITS [See Annex C for definition]

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

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

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

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

28.0 CLUB GAMING AND CLUB MACHINE PERMITS

28.1 Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

28.2 Commercial clubs may apply for a club machine permit, subject to restrictions

28.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

(a) in respect of gaming machines;

- no child or young person may use a category B or C machine on the premises
 - the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines
- (b) public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

28.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

28.5 The Authority may only refuse an application on the following grounds:

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

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PART D OCCASIONAL AND TEMPORARY PERMISSIONS

29.0 TEMPORARY USE NOTICES (TUN)

29.1 A 'TUN' is defined in Annex 'C'.

29.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations issued by the Secretary of State prescribe the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

29.3 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

29.4 The definition of a "set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

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

30.0 OCCASIONAL USE NOTICES

30.1 Occasional Use Notices (OUN) are defined in Annex 'C'.

30.2 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

30.3 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

31.0 SMALL SOCIETY LOTTERIES

31.1 The definition of a Small Society Lottery is contained in Annex 'C' and these require registration with the Licensing Authority.

32.0 APPENDICES

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

33.0 DELEGATION OF POWERS

33.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act.

34.0 DEFINITIONS – Annex 'C'

35.0 FEES – Annex ‘F’

36.0 USEFUL CONTACTS

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

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ANNEX 'A'

List of Consultees

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

- All responsible Authorities for the Gambling Act (as specified in Annex B-2)
- Holders of Premises Licences and Permits under the Gambling Act 2005
- Regeneration Services HDC
- Revenues & Benefits
- Safer Harlow Partnership
- Environmental Health
- Services Supported Housing
- Harlow Youth Council
- Young Concern Trust
- Harlow Chamber of Commerce
- Children's Centres
- Head of Child Protection
- Director of Adults Safeguarding
- ~~Her Majesty's Commissioners of HM~~ Customs and Excise
- NACRO
- Citizens Advice Bureau
- Addison House Health Centre
- Church Langley Medical Practice
- Lister Medical Centre
- Old Harlow Health Centre
- NHS Private Medical Services
- Nuffield House
- Hamilton Practice
- Ross Practice
- St Mark's West Essex Catholic School
- Passmores Comprehensive School
- Mark Hall School
- Stewards School
- Burnt Mill School
- Aspire Academy
- Harlow Fields School
- Harlow College
- University Centre Harlow
- GAMCARE
- GAM-ANON
- Street2Homes
- Community Mental Health Team
- Safer Places
- Harlow Food Bank
- Great Open Door
- Street Pastors
- Freshwaters Contact Centre
- Family Solutions
- Family Mosaic

- Salvation Army
- Jehovah's Witnesses - Harlow
- Harlow Hindu Sabha
- Harlow Islamic Centre (HIC)
- Harlow Jewish Community
- Harlow Sikh Society
- Our Lady of the Assumption
- Our Lady of Fatima and St Thomas More
- SGI - UK (Buddhist Lay Society)
- Heart4Harlow
- St. Andrews Methodist Church
- St Mary at Latton
- St Stephens Church
- St Paul's Church
- St Mary's Church (Little Parndon)
- Potter Street Baptist Church
- Oakwood Chapel
- Lutheran Church of the Redeemer Kingsmoor Community Church
- Harlow Baptist Church
- Gateway Christian Fellowship (Evangelical)
- Church Langley Church
- Harefield Church

In addition to those specifically consulted, no requests were received for copies of the draft Policy Document, although the [consultations](#) web page where it was located received **603** ~~hits~~ 'visits' with 4 views.

ANNEX 'B'

Contact Details for the Licensing Authority and Responsible Authorities

The Licensing Authority is:

Harlow District Council
Licensing Team
Civic Centre
The Water Gardens
Harlow, CM20 1WG Telephone: 01279 446655

Email: licensing@harlow.gov.uk

The Responsible Authorities are:

- a) The Chief Officer of Police
Essex Police Licensing Unit
PO Box 12306
Police Station
Newland Street,
Witham, CM8 2AS Telephone: 101 ext 452035

E:mail licensing.applications@essex.pnn.police.uk

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

- b) Essex County Fire and Rescue Service
West Area Command
Harlow Service Delivery Point
Harlow
CM20 1DU Telephone 01376 576800

- c) The Local Planning Authority
Harlow Council Development Control
Civic Centre
The Water Gardens
Harlow
CM20 1WG Telephone: 01279 446655

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

Environmental Protection
Harlow Council
Civic Centre,
Harlow, CM20 1WG Telephone: 01279 446655

Email: env.health@harlow.gov.uk

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

Essex Safeguarding Children Service

- f) The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP Telephone: 0121 230 6500
- g) HM Revenue and Customs
Excise Processing Teams
BX9 1GL Telephone: 0300 322 7072 Opt 7
Email: NRUBetting&Gaming@HMRC.gov.uk
- h) Harlow District Council
Licensing Team
Civic Centre
The Water Gardens
Harlow, CM20 1WG Telephone: 01279 446655
Email: licensing@harlow.gov.uk

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

ANNEX 'C'

DEFINITIONS

Please note, definitions listed below are for guidance only and do not form part of the Council's Statement of Licensing Policy or will necessarily appear within it.

Term	Description
ATM	Auto teller machine or cash machine.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting	In this Act "betting" means making or accepting a bet on— (a) the outcome of a race, competition or other event or process, (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood: <ul style="list-style-type: none"> • cash bingo, where the stakes paid make up the cash prizes that are won • prize bingo, where various forms of prizes are won, not directly related to the stakes paid.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.]
Conditions	Conditions to be attached to licences by way of:- <ul style="list-style-type: none"> □ Automatic provision □ Regulations provided by Secretary of State □ Conditions provided by Gambling Commission □ Conditions provided by Licensing Authority <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>

Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default Conditions	Conditions, prescribed in regulations that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> • Small Society Lottery [required to register with Licensing Authorities. • Incidental Non Commercial Lotteries. • Private Lotteries. • Customer Lotteries.
Family Entertainment Centre (FEC)	<p>There are two types of FEC:-</p> <p>A licensed FEC (ie one with a Premises Licence) has no limit on the number of category C or D machines permitted</p> <p>An unlicensed FEC (ie one with a Permit) has no limit on the number of category D machines permitted</p>
Fixed Odds Betting Terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming & game of chance	<p>In the Act "gaming" means playing a game of chance for a prize.</p> <p>and "game of chance"—</p> <p>(a) includes—</p> <p>(i) a game that involves both an element of chance and an element of skill,</p> <p>(ii) a game that involves an element of chance that can be eliminated by superlative skill, and</p>

	<p>(iii) a game that is presented as involving an element of chance, but</p> <p>(b) does not include a sport</p>
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events, but not including home computers even though users can access online gambling websites.
Guidance to Licensing Authorities	Guidance issued periodically by the Gambling Commission
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Members' Club	<p>A club, as defined by the Licensing Act 2003, that must:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Have at least 25 members; <input type="checkbox"/> Be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> Be permanent in nature; <input type="checkbox"/> Not be established to make commercial profit; <input type="checkbox"/> Be controlled by its members equally.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Occasional Use Notice (OUN)	Betting may be permitted on a 'track' by an OUN without the need for a full Premises Licence.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises

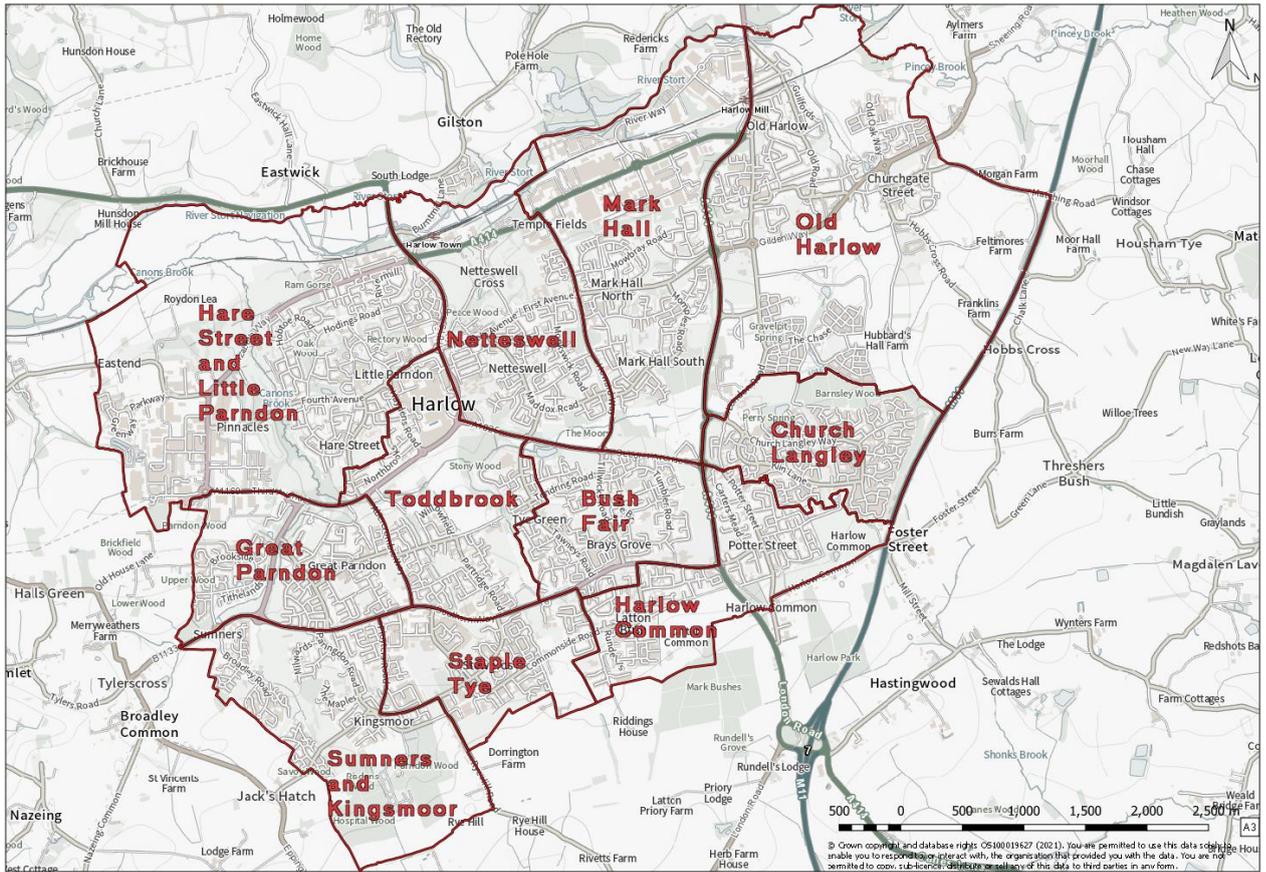
	with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting – Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting – Tracks	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Private Lotteries	There are three types of Private Lotteries: <ul style="list-style-type: none"> <input type="checkbox"/> Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; <input type="checkbox"/> Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; <input type="checkbox"/> Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application.

	Representations must be made in time, e.g. during a designated notice period.
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> ❑ The Licensing Authority in whose area the premises is partly or wholly situated ❑ The Gambling Commission ❑ The Chief Officer of Police ❑ Fire and Rescue Service ❑ The Planning Authority for the local authority area ❑ Environmental Health Service for the local authority area ❑ The Body competent to advise on the protection of children from harm ❑ HM Revenue and Customs ❑ Authority in relation to vulnerable adults ❑ Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <p>Full details of Responsible Authorities for the District are contained in Appendix 'B' to this Policy.</p>
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society, or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (where the house could be a gaming machine).
Table gaming	Card games played in casinos.
Temporary Use Notice (TUN)	To allow the use of a premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended

	to take place.
Vehicles	Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> □ gamble more than they want to □ gamble beyond their means who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

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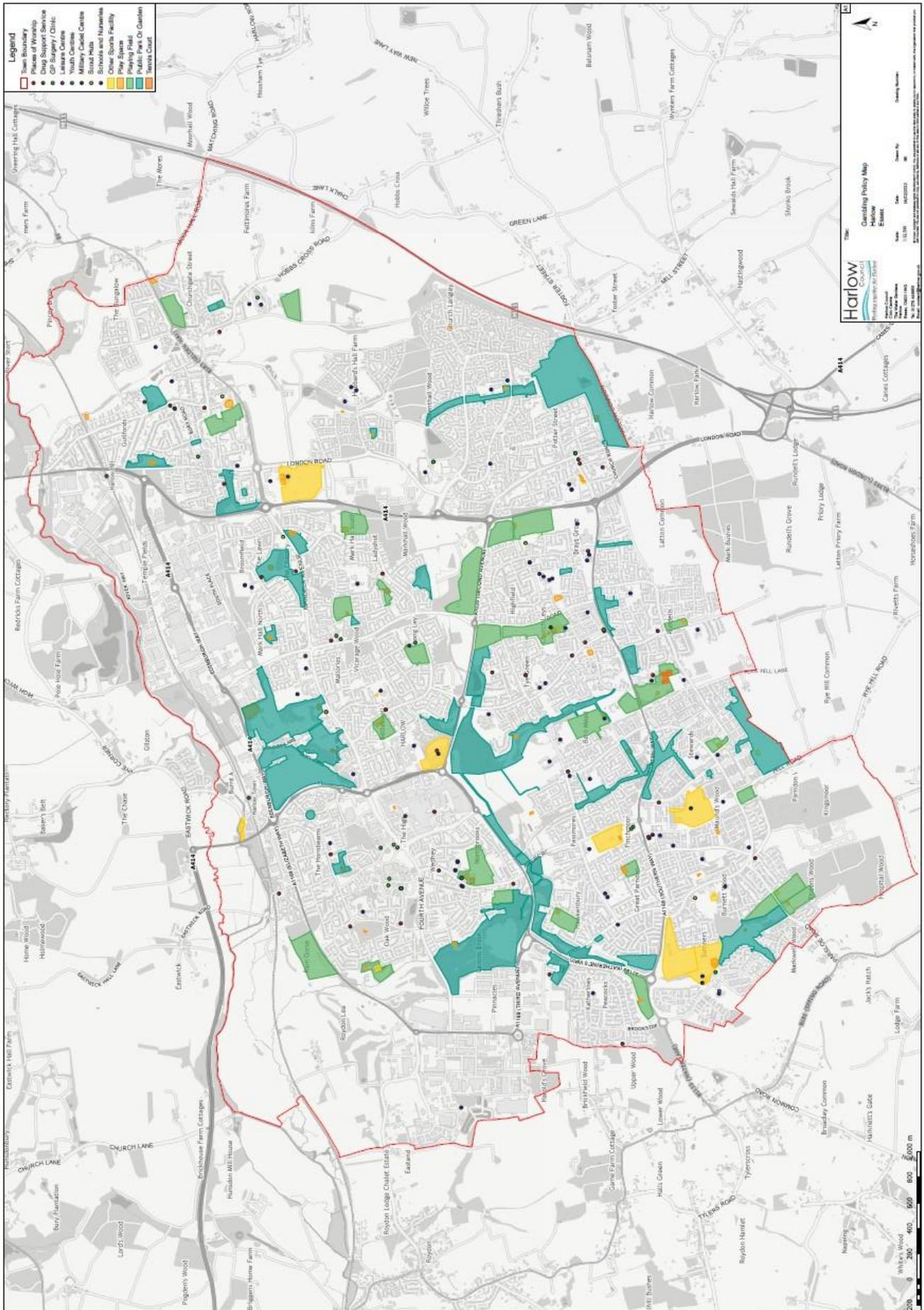
ANNEX 'D' Map of Harlow



October 2021

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ANNEX 'D1' Map of Sensitive Premises in Harlow



ANNEX 'E'

Local Area Risk Assessment Example Template

1: Local Area			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
1.1			Systems
			Design
1.2			Systems
			Design
1.3			Systems
			Design
1.3			Physical

2: Gambling Operation			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
2.1			Systems
			Design
			Physical
2.2			Systems
			Design
			Physical
3.3			Systems
			Design
			Physical

3: Internal and External Premises Design			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
3.1			Systems
			Design
			Physical
3.2			Systems
			Design
			Physical
3.3			Systems
			Design
			Physical

Actions following assessment:			
1: Local Area			
Action	Person/Dept tasked	Date tasked	Date completed
2: Gambling Operation			
Action	Person/Dept tasked	Date tasked	Date completed
3: Internal and External Premises Design			
Action	Person/Dept tasked	Date tasked	Date completed

Signed:		Date:	
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Print Name:	
-------------	--

Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises. see section 14 of this policy)

Risks: Area of consideration that may impact on one or more of the licensing objectives
 Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises

Licensing Objectives: these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting. For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective. These codes are CD for the Crime and Disorder objective, FO for the Fair and Open objective and CV for the protection of children and the vulnerable.

Control Measures: These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

The fact that there are three subsections in each section of the template should not be taken to suggest that you should limit your assessment to three risks for each section. The above template is an example only. You are at liberty to use your own design.

ANNEX 'F'

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of current fees can be obtained by contacting

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG

Telephone: 01279 446655

Email: licensing@harlow.gov.uk

or alternatively by viewing the Council's Website www.harlow.gov.uk

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APPENDIX B

Consultation Responses

1. Poppleston Allen

We act for Merkur Slots UK Limited and Merkur Bingo & Casino Entertainment UK Limited and have been asked to submit the following response to the Council's consultation on its draft Statement of Gambling Policy 2022.

Letter received 27.01.2022

Merkur Slots UK Limited and Merkur Bingo & Casino Entertainment UK Limited response Harlow

Council's Consultation on its draft Statement of Gambling Principles 2022-2025

The Merkur Group of companies is a leading national operator of bingo, AGC and FEC premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operating Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented and those policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, introduced by the Gambling Commission.

Foreward

We strongly disagree with the commentary included in the draft policy as it does not appropriately identify the permissive regime envisioned by Parliament and implemented by the Gambling Act

2005. Comments relating child sexual exploitation, and the imposition of additional obligations/conditions placed on operators fail to consider the extensive social responsibility provisions now contained in the governing legislation. The Authority's policy, as per section 349 of the Gambling Act 2005, should contain the principles that it proposes to apply in exercising its functions under the Act, it is therefore not an appropriate document to contain additional commentary, which is beyond the scope of the policy's function, and it should be removed.

Part B – 14.20-14.21 – Protecting children and other vulnerable persons from harm

Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation have no direct relevance to this objective and there is no evidence to support the inclusion of this content within the policy statement.

The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses throughout society should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act

2005. Particularly when considering children are not permitted into adult gaming centres and most other gambling venues, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – please see LCCP code provisions 3.2.3 to 3.2.6.

It should be noted that the Gambling Commission guidance states: ‘a licensing authority may identify the safeguarding of children as a key priority...in which case its statement would set out those policies, procedures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling’. We suggest that the policy is amended to reflect this. Merkur is a responsible operator and implements measures to address local risks that relate to activities which would take place within its premises.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives. We look forward to discussion on the proposed Statement of Principles with you.

2. Poppleston Allen

We act for Power Leisure Bookmakers Ltd and have been asked to submit the following response to the Council’s consultation on its draft Statement of Gambling Policy 2022.

Letter received 27.01.2022

Power Leisure Bookmakers Limited response Harlow Council’s Consultation on its draft Statement of Gambling Principles 2022-2025

Paddy Power is Ireland’s biggest Bookmaker and operate both as retail business through licensed betting offices and an online/telephone business. Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operating Licence granted by the Gambling Commission. The UK’s gambling regulator has therefore approved the measures implemented and those policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, introduced by the Gambling Commission.

Foreward

We strongly disagree with the commentary included in the draft policy as it does not appropriately identify the permissive regime envisioned by Parliament and implemented by the Gambling Act

2005. Comments relating child sexual exploitation, and the imposition of additional obligations/conditions placed on operators fail to consider the extensive social responsibility provisions now contained in the governing legislation. The Authority’s policy, as per section 349 of the Gambling Act 2005, should contain the principles that it proposes to apply in exercising its functions under the Act, it is therefore not an appropriate

document to contain additional commentary, which is beyond the scope of the policy's function, and it should be removed.

Part B – 14.20-14.21 – Protecting children and other vulnerable persons from harm

Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation have no direct relevance to this objective and there is no evidence to support the inclusion of this content within the policy statement.

The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses throughout society should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act

2005. As children are not permitted into betting premises, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – please see LCCP code provision 3.2.7 and 3.2.8.

It should be noted that the Gambling Commission guidance states: 'a licensing authority may identify the safeguarding as a key priority...in which case its statement would set out those policies, procedures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling'. We suggest that the policy is amended to reflect this. Paddy Power is responsible operator and implements measures to address local risks that relate to activities which would take place within betting premises.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives. We look forward to discussion on the proposed Statement of Principles with you.

3. Martin John Harris

From: Martin John Harris [REDACTED]
Sent: 18 December 2021 10:22
To: Licensing
Subject: Drafdt licensing policy

Dear Sir or Madam

Thank you for this consolation.

I believe the amendments are shown in red

I very much welcome the tightening of the policy to help ensure the safety of children.

Every best wish, Martin

Martin Harris

Team Rector St Paul's and St Mary's



website: <http://stpaulsandstmarysharlow.co.uk>

REPORT TO: LICENSING COMMITTEE

DATE: 8 MARCH 2022

TITLE: DURATION OF HACKNEY CARRIAGE
AND PRIVATE HIRE DRIVER LICENCES
AND THE EFFECTS OF MEDICAL
CERTIFICATION ON LICENCES

LEAD OFFICERS: MICHAEL PITT, ASSISTANT DIRECTOR
ENVIRONMENT (01279) 446114

CONTRIBUTING OFFICERS: ADAM SHERWOOD, PRINCIPAL
LICENSING OFFICER (01279) 446561

AMANDA TURNER, SENIOR LICENSING
OFFICER (01279) 446122

JULIE SNOOKS, SENIOR LICENSING
OFFICER (01279) 446009

RECOMMENDED that:

- A** The Licensing Committee recommends to Full Council that the licensing process for Hackney Carriage and Private Hire drivers continue to permit 1-year and 3-year licence applications.
- B** The Licensing Committee notes the procedural change to medical certification requirements that will allow drivers the option to apply for a 3-year licence at each renewal.
- C** Subject to A and B, the timescale for the introduction of the procedural changes be implemented as agreed by the Assistant Director Environment and the Chair of the Licensing Committee to allow administrative and software adjustments to be made.

BACKGROUND

1. The Council is responsible for licensing Hackney Carriage and Private Hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
2. On 21 July 2020 the Department for Transport (DfT) published “Statutory Taxi and Private Hire Vehicle Standards.” The publication of these standards has been awaited for some time and follows an extensive period of consultation by the Department for Transport following a number of high-profile incidents and issues

highlighting the risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, and lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation (CSAE). The Policing and Crime Act 2017 made provisions for the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using these services. Although the focus of the standards produced, is on protecting children and vulnerable adults, it is expected that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector as a whole. It is felt that these issues are, in part, a result of the significant differences in standards applied to the licensing of drivers and vehicles across the country.

3. For reference purposes, the DfT standards can be viewed at www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards
4. At the Licensing Committee meeting on 19 January 2021 Members noted and agreed an action plan in relation to the implementation of the DfT standards. For the purposes of the action plan the DfT standards were grouped into the following categories;
 - **GROUP A- NO POLICY CHANGE REQUIRED; Standards with which the Council already complies, or for which only minor procedural changes that do not require changes in policy are required;**
 - **GROUP B- POLICY CHANGE CAN BE RECOMMENDED AT THIS TIME; Standards that require policy changes which are relatively straightforward and for which recommendations can be made at this stage;**
 - **GROUP C- REPORT TO BE BROUGHT TO A FUTURE MEETING; Standards that require policy changes which will take some time to develop, and thus will require further reports to be brought to future meetings of the Committee.**
5. This report considers the duration of Hackney Carriage and Private Hire driver licences and how licences are affected by medical requirements. The action plan identified this area of taxi licensing under Group C above.
6. The Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Deregulation Act 2015) sets a standard length at three years for taxi and private hire vehicle driver licenses. It states any shorter duration of licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee makes such a request (for a 1-year licence) or where required (when the licence holder's leave to remain in the UK is time-limited) then a shorter licence can be provided.

7. To be licensed, taxi and private hire drivers in Harlow are required to meet the Group 2 medical standard, this standard is regularly updated and published online by the DVLA in 'Assessing Fitness to Drive: a Guide for Medical Professionals.'
8. Drivers can attend a Group 2 medical assessment with any medical provider, but are encouraged to attend with the Council's preferred providers due to our professional working relationships with those organisations, being Cotswold Medicals and Harlow Occupational Health Service. All drivers must attend a medical assessment with a qualified medical practitioner and all doctors are checked on the General Medical Council Register at www.gmc-uk.org/

ISSUES/PROPOSALS

Current Process

9. All applicants for a taxi or private hire driver licence have the choice of a 1-year or 3-year licence. This choice is currently restricted by the requirement for a medical certificate to cover the duration of the licence being applied for.
10. When a driver's medical is due for renewal, it shall ideally be booked and passed shortly before a licence is issued. This is a flexible arrangement, whereby drivers are provided a four calendar month window before the licence renewal date, allowing a driver plenty of time to attend. The 4 month 'window' is standard procedure with the Group 2 medical format for large lorry and bus drivers alike.
11. Medical certificates are usually issued for five years, a licensed driver who wishes to make full use of their five year medical, will routinely have one 3-year licence and two 1-year licences to cover this five year period.
12. New driver applicants currently follow the same guidance as a licensed driver and by default have the same licensing restrictions placed on them by Group 2 medical certification.

Current Licensed Drivers

13. It is proposed, to allow drivers to make greater use of the 3-year licence option, that the Council no longer require a medical certificate to cover the duration of the licence being applied for at the time of application.
14. It shall be a licensed driver's responsibility to ensure they have a current Group 2 medical certificate in place at all times. The Licensing Team shall send out an early reminder that a medical is due to expire to assist drivers with the process. Licensed drivers who fail to obtain a certificate in the 4 month window allowed will be subject to enforcement action to ensure compliance. In such a situation, a temporary licence suspension is one option that might be considered appropriate.
15. It is also proposed that the Council continue to offer 1-year and 3-year licence options. It is anticipated that more licence holders will take the 3-year option without the medical restriction and thus achieve a cost saving.

New Driver Licence Applicants

16. The Licensing Team has given consideration to the frequency of Group 2 medicals. It is proposed that the Council implement the same frequency of medicals as is required for heavy lorry and bus drivers.

17. It is proposed that drivers be required to provide a Group 2 medical certificate at:

- a) Time of application for a new driver licence
- b) At age 45, 50, 55, 60 and 65
- c) Annually from the age of 65
- d) A person aged 41-44, will still be required to provide a new medical certificate at the age of 45; this will allow an applicant to continue with these new medical arrangements.
- e) There may be exceptions to this where a medical practitioner specifically issues a Group 2 medical certificate for less than a 5-year period.
- f) To satisfy itself that a driver meets the Group 2 medical standard, the Council will reserve the right at any time to request a driver to attend a medical assessment with a suitably qualified medical provider approved by the Council.
- g) Where a medical is due for renewal on the applicant's next birthday at the ages stated above, the driver will continue to have the 4 month window before their birthday to book and pass their medical.

18. It is proposed, that a current licensed driver may change over to the new 'birthday' medical arrangements if they so wish. Alternatively, they remain on the current arrangements whereby their medical is due every 5 years, no matter what their age.

19. The difference for licensed drivers whether they continue providing a medical certificate on their licence anniversary date or change over to the new 'birthday' arrangements, is modest, but these new medical arrangements will benefit a licensed driver by:

- a) If under the age of 40, then their next medical would not be due until their 45th birthday. However, their current medical was issued by a medical practitioner on the basis of a new one being required in 5 years' time or for a lesser time as stated. Therefore a replacement medical would be required to ensure the issuing doctor is satisfied that their next Group 2 medical will be at the age of 45.
- b) A drivers medical shall cover up until their 65th birthday (as long as their current medical would have gone beyond this date), potentially they could benefit up to an extra 12 months of medical certification compared to the current format, this is due to a medical certificate currently being required as part of the licence renewal that follows the 64th birthday (this current procedure is in place so that at the time of reaching their 65th birthday, they have had a medical in the last 12 months).

Administrative amendments

20. It would be a requirement that any driver who wants a 1-year licence should inform the licensing team of their reason for requesting a shorter licence with their application so it may be considered appropriately.
21. As a matter of good practice, in addition to providing routine Group 2 medical certificates there would be a new self-declaration on the driver licence application form that the applicant has no medical issues that they are aware of affecting their suitability to meet the Group 2 medical standard.
22. Updates will be required to the medical certification and documentation to put these changes into effect.

IMPLICATIONS

Strategic Growth and Regeneration

None specific.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

None specific.

Author: Andrew Murray, Director of Housing

Communities and Environment

As set out in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

None specific.

Author: Simon Hill, Director of Governance and Corporate Services

Background Papers

DFT Statutory Taxi & Private Hire Vehicle Standards

www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards

DVLA Assessing Fitness to Drive: A Guide for Medical Professionals
www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals

Glossary of terms/abbreviations used

CSAE- Child Sexual Abuse and Exploitation

DfT - Department for Transport

DVLA - Driver & Vehicle Licensing Agency