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**ORDINARY MEETING OF THE COUNCIL
WEDNESDAY 22ND JULY 2015**

Book 2 - 2015/2016

Council Enquiries – Ann Horgan, Ext. 2413

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David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

A **MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on **WEDNESDAY, 22ND JULY, 2015** at **7.30 p.m.**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors A.G.Sheldon (The Worshipful the Mayor), S.Cole, (Deputy Mayor), A.J .Acott, J. Anderson, A.J.Bayley, D.A. Blackwell, B.Campagna, ,D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, Mrs W. Goodwin, Mrs J.E.E.Govier P.C. Greig, S.Hart , N.R. Harvey, R.C. Howard, J. Hudson,R.Hurrell, G.I. Isaacs, Mrs.J.King, N.E.Ladzrie, C.W. Letchford,C.A.Maclean,P.J. May,C.E. Mumford, B.A.Palmer, Mrs.J.Payne, A. Partridge, C.G. Riley, W.K.Sharp, T.F. Skipp, N.G. Smith, J.A. Stanley, M.J.A. Tucker, P.E.Varker, A.C.Walter, Mrs L. Wass, Mrs G. Watson N. Watson and B.S.Wood.

Chief Executive

AGENDA

PART I (Business to be taken in public)

Before commencing the business of the meeting, prayers will be offered by the Chaplain.

1. Apologies for absence

2. Members' Interests

3. Minutes

To receive the Minutes of the meeting of the Ordinary Council held on 25th March 2015 and the Annual Council meeting held on 20th May 2015.

4. Mayor's Announcements

The Mayor will report at the meeting.

5. Questions from members of the public of which Notice has been received

None have been received.

6. Presentation:

Robin Squire from Veolia North Thames Trust to give a presentation on funding that is available through the Veolia North Thames Trust.

7. Questions from Members of the Council of which Notice has been received

None have been received.

8. To deal with any business from the last Council Meeting

At the meeting of the Council on 25.3.2015 a Notice of Motion regarding a Local Plan was adjourned without discussion to enable Cabinet to consider whether it wished to report on the matter. Council Procedure Rule 13 Motions on Expenditure applied.

The Cabinet meeting on the 17.6.2015 considered a report on the budget implications of the Motion. Cabinet decided to refer the report and the Notice of Motion to the New Local Plan Task and Finish Group for report back and consideration by Council with the recommendations of the Task and Finish Group on the response to consultation on the new Local Plan. Council is asked to endorse and note this action.

9. Any explanations for urgent decisions taken by Cabinet

There are none.

10. Any References from the Scrutiny/Policy and Scrutiny or Regulatory Committees

Council is asked to consider a recommendation from the Licensing Committee to approve and adopt a revised Gambling Policy.

11. Change of membership of a Political Group

Notice has been received that Councillor Brian Wood has joined the Conservative Group on the Council. He is no longer an Independent member of the Council. As a consequence he is no longer entitled to the seat allocated to him on the Development Control Committee at the Annual Meeting. Council is asked to appoint one of the two independent members Councillor Hurrell or Councillor Letchford to the vacant seat on the Committee

With regard to the political balance calculation on the Council there is a small adjustment – the seat allocated on the Wellbeing Policy and Scrutiny Committee to an Independent Member is now transferred to the Conservative Group as Councillor Wood was appointed to the seat no change is necessary.

Council is asked to deal with appointment of an Independent Member to the Development Control Committee.

12. Report from the Leader of the Council

The Leader is to report at the meeting.

13. Local Council Tax Support Scheme 2016/17 – Options and Consultation Arrangements

Council is asked to consider and approve the options for consultation in relation to the 2016/17 Local Council Tax Support Scheme. A report is attached.

14. Notices of Motion

1. Councillor Howard has given notice of the following:

Castle Point Council supports the completion of the final phase of Roscommon Way as a priority to improve the transport infrastructure on Canvey Island.

Castle Point Council calls on Essex County Council, the Highways Authority to give priority to placing this scheme in a programme to be progressed and implemented as soon as possible.

2. Councillor Dick has given notice of the following:

This Council thanks the Member of Parliament for arranging the meeting with the Minister to clarify the issue with regard to green belt and housing numbers. With the clarified information this Council will need to reassess the present draft local plan to facilitate the new information gained at the meeting.

15. Petitions submitted by Members of the Council of which Notice has been given.



ORDINARY COUNCIL MINUTES

25TH MARCH 2015

MINUTES of the Ordinary Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 25th March 2015.

PRESENT:

Councillors Mrs J.E.E.Govier Mayor) A.G.Sheldon,(Deputy Mayor), A. Acott, J. Anderson, L.J.Barrett, A.J.Bayley, D.A. Blackwell, P.M. Burch, B.Campagna, S.Cole , D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, Mrs W. Goodwin, P.C.Grieg, S.Hart, N.R.Harvey, R.C.Howard, J. Hudson, R. Hurrell, G.I.Isaacs, N.E.Ladzrie C.W.Letchford, P.J.May, B.A.Palmer, Mrs.J.Payne, A. Partridge, C.G.Riley, W.K.Sharp, T.F. Skipp, N.G. Smith, M.J.A. Tucker, P.E.Varker. A.C.Walter, Mrs L. Wass, Mrs G. Watson N. Watson and B.S.Wood

Apologies for absence were received from Councillors Mrs.J.King and J.A. Stanley

77. MEMBERS' INTERESTS

Councillor Letchford declared he had registered a disclosable non pecuniary interest as the chairman and trustee of the Friends of Concorde Beach in respect of Minute 82 to deal with any business from the last Council Meeting - Notice of Motion: Request for Borough Warden to patrol Canvey Island Seafront.

78. MINUTES

The Minutes of the meeting of the Ordinary Council held on 10th December 2014 and the Special Council meeting held on 18th February 2015 were taken as read and signed by the Mayor as a correct record.

79. MAYOR'S ANNOUNCEMENTS

The Mayor was delighted to welcome and host a Tea for Post Graduate Students from the University of Lincoln when they visited Canvey Island on 4th March as part of their research project concerning the Island's recovery from the 1953 floods; was pleased to preside over the raising of the Commonwealth Flag on Monday 9th March 2015; thanked all those who attended the Last night of the Proms at the Salvation Army Temple Hadleigh on Saturday 14th March; reported on judging of the Mayor's Business Awards, the Apprentice Award and the Community Award .

Finally as this was the last Full Council meeting before the elections the Mayor thanked those Councillors who were not seeking re- election for their dedicated and loyal service to the Council and Community and wished good luck to those that were standing for re election.

80. QUESTIONS FROM MEMBERS OF THE PUBLIC OF WHICH NOTICE HAD BEEN RECEIVED

There were none.

81. QUESTIONS FROM MEMBERS OF THE COUNCIL OF WHICH NOTICE HAD BEEN RECEIVED

There were none.

82. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING - NOTICE OF MOTION: REQUEST FOR BOROUGH WARDEN TO PATROL CANVEY ISLAND SEAFRONT.

At the Ordinary Council meeting the following Motion was adjourned without debate to enable Cabinet to consider whether it wished to report on the matter. Council Procedure Rule 13 Motions on Expenditure applied.

“Many local residents who live near Canvey Island seafront have asked if Castle Point Borough Council will delegate a Borough Warden to patrol the seafront and to fine anybody who does not clear up their dogs fouling the seaside pathway, and the grassed areas on the seafront.

I call upon this Borough Council to carry out their responsibilities to residents, to send a Warden to patrol the seafront, and fine those residents who do not follow the dog fouling regulations of clearing up after them”.

Cabinet recommended to Council that no further action is required as the Council already has suitably trained staff authorised to serve fixed penalty notices where offences are observed whilst undertaking other work activities.

Councillor Anderson who proposed the Motion accepted the recommendation of Cabinet.

Resolved - to note the information in the report to Cabinet which satisfied the Notice of Motion.

83. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING - NOTICE OF MOTION: WATERSIDE FARM SKATEBOARD PARK REQUEST FOR REPAIR

At the Ordinary Council meeting the following Motion was adjourned without debate to enable Cabinet to consider whether it wishes to report on the matter. Council Procedure Rule 13 Motions on Expenditure applied.

“We call upon this Council to make the necessary repairs to the Skateboard Park at Waterside which sadly has fallen into Disrepair”

The Cabinet decided to recommend to Council to note the report, that no decision had been taken to close the skate board park, the skateboard park was

to be maintained and that the Council was to seek funding to ensure that the skateboard park could be kept to the required standard of repair.

Councillor Mrs. Grace Watson who proposed the Motion accepted the recommendation of Cabinet.

Resolved:

To note the report, that no decision had been taken to close the skate board park, the skateboard park was to be maintained and that the Council was to seek funding to ensure that the skateboard park could be kept to the required standard of repair.

(A third Motion before the Council on 10.12.2014 had been withdrawn (as improvements have been made to signage in the car parks showing the hours when restrictions /charges apply.)

84. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

85. ANY REFERENCES FROM THE POLICY & SCRUTINY COMMITTEES/ REGULATORY COMMITTEES

There were none.

86. CHANGE OF APPOINTMENT

Councillor Norman Ladzrie had relinquished his appointment as Chairman of the Development Control Committee.

Resolved: to appoint Councillor Simon Hart as Chairman of the Development Control Committee until the Annual Council Meeting 2015.

87. REPORT OF THE LEADER OF THE COUNCIL

The Leader of the Council reported to the Council reflecting on his past year as Leader of the Council and the challenges faced by the Borough. As this was the last Full Council meeting before the elections the Leader wished good luck to those Councillors that were standing for re-election and thanked those Councillors who were not seeking re- election for their dedicated and loyal service to the Council and Community.

88. NOTICES OF MOTION

Councillor Hart had given notice of the following:

'I call upon Castle Point Councillors to instruct the CEO of Castle Point Borough Council David Marchant to investigate the available schemes, grants and financing available for street lighting conversion/ improvements within Castle Point to enable all lights in the Borough to be converted and thus restore the to full dusk to dawn operation.'

The Motion was Moved and Seconded.

Debate took place at the conclusion a vote took place which was CARRIED and RESOLVED accordingly.

89. NOTICES OF MOTION

Councillor Dick had given notice of the following:

'This Council welcomes the statement by the Local Government Minister at a local meeting on green belt. This Council will therefore prepare a Local Plan protecting Virgin green belt areas and produce a realistic annually housing number that can ideally be achieved.'

The Motion was Moved, Seconded and ADJOURNED without debate to enable Cabinet to consider whether it wished to report on the matter Council Procedure Rule 13 Motions on Expenditure applied.

90. NOTICES OF MOTION

Councillor Anderson had given notice of the following:

'Canvey Island Independent Party calls upon Castle Point Council to confirm there are no plans to outsource our leisure centres.'

The Motion was Moved and Seconded.

Debate took place at the conclusion a vote took place which was CARRIED and RESOLVED accordingly.

91. NOTICES OF MOTION

Councillor Blackwell had given notice of the following:

'Canvey Island Independent Party calls upon Castle Point Council to support the Police Commissioner who states the Police are finding it hard to do their job with the street lights off by demanding Essex County Council turn our lights go back on.'

The Motion was MOVED and Seconded.

Debate took place at the conclusion a vote took place which was CARRIED UNANIMOUSLY and RESOLVED accordingly

92. PETITIONS SUBMITTED BY MEMBERS OF THE COUNCIL OF WHICH NOTICE HAS BEEN GIVEN

There were none.

93. COUNCILLOR HURRELL

Councillor Hurrell had given notice of his wish to be no longer treated as a member of the UKIP Group on the Council but to be an Independent member and with the permission of the Mayor he made a statement explaining his reasons.

Mayor



ANNUAL COUNCIL MINUTES

MINUTES of the Annual Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 20th May 2015.

PRESENT:

Councillors Mrs J.E.E.Govier (The Worshipful the Mayor), A.G.Sheldon, (Deputy Mayor), A.J .Acott, D.A. Blackwell, B.Campagna, S.Cole, D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, Mrs W. Goodwin, S.Hart, R.C. Howard, J. Hudson, R.Hurrell, G.I. Isaacs, Mrs.J.King, N.E.Ladzrie, C.W.Letchford, C.A.Maclean C.E. Mumford, B.A.Palmer, Mrs.J.Payne, A. Partridge, C.G. Riley, , T.F. Skipp, N.G. Smith, J.A. Stanley, M.J.A. Tucker, P.E.Varker, Mrs L. Wass, and B.S.Wood.

Apologies for absence were received from Councillors J. Anderson, A.J.Bayley, P.C. Greig, N.R. Harvey P.J. May W.K.Sharp A.C.Walter, Mrs G. Watson and N. Watson.

1. MEMBERS' INTERESTS

There were no disclosures of interest

2. MAYOR'S ANNOUNCEMENTS

The Mayor welcomed to the Chamber Councillors Maclean and Mumford newly elected Councillors.

3. ELECTION OF NEW MAYOR

Moved by Councillor Partridge seconded by Councillor Hart and -

Resolved – That unless he resigns or becomes disqualified, Councillor Andrew Sheldon be elected Mayor to continue in office until his successor becomes entitled to act as Mayor.

Councillor Sheldon made his Declaration of Acceptance of Office and left the Chamber to robe and assume the Chain of Office. On returning to the Chamber the Mayor thanked the Council for his appointment.

4. VOTE OF THANKS TO RETIRING MAYOR

Moved by Councillor Sheldon the Mayor who paid tribute to the Past Mayor. The vote was seconded by Councillor Mrs Goodwin.

Resolved – That a vote of thanks be accorded to Councillor Mrs Jackie Govier on her retirement from the office of Mayor.

Councillor Mrs Govier responded on her term of office during the past year.

The Mayor presented Councillor Mrs Govier with her 'Past Mayor's Badge'.

5. ELECTION OF DEPUTY MAYOR

Moved by Councillor Howard seconded by Councillor Riley and –

Resolved - That unless he resigns or becomes disqualified, Councillor Steven Cole be elected Deputy Mayor to continue in office until his successor becomes entitled to act as Deputy Mayor.

Councillor Cole made his Declaration of Acceptance of Office and thanked the Council for his appointment.

6. ELECTION OF LEADER OF THE COUNCIL

Moved by Councillor Stanley seconded by Councillor Isaacs –

Resolved - That unless he resigns, is no longer a Councillor, or is removed from office by resolution of the Council or otherwise becomes disqualified, Councillor Colin Riley be appointed Leader of the Council in accordance with the Localism Act 2011 for the Council year.

The Leader of the Council thanked the Council for his appointment.

7. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

Moved by Councillor Riley seconded by Councillor Smith –

Resolved - That unless he resigns or becomes disqualified, Councillor Jeffrey Stanley be appointed Deputy Leader of the Council for the Council year.

8. BOROUGH ELECTIONS – REPORT OF THE RETURNING OFFICER

The Council received the following report from the Returning Officer on the result of the Borough Council Elections held on 7th May 2015:-

(a) Result

The number of votes for each candidate was as follows:-

Appleton Ward	
EGAN, Eugene	1833
ENGLISH, Roy Gerald	596
PARKIN, James Lee	1282

Turnout – 69.5%

Boyce Ward	
BAILLIE, Robert Steven	1356
GOODWIN, Wendy	1938
WRIGHT, Anthony Nicholas	454

Turnout – 72.5%

Cedar Hall Ward	
MACLEAN, Colin Alan	1640
MAHONEY, Sarah Luanne	1096
THORNE, Bernard Arthur	539

Turnout – 70.3%

St George's Ward	
COOKE, Joseph Patrick	658
FROST, Daniel	1012
GOVIER, Jacqueline Elizabeth Ellen	1506

Turnout – 70.2%

St James' Ward	
LADZRIE, Norman Edward	2062
MEHDI, Dina	610
SMITH, James Michael	1024

Turnout – 70.3%

St Mary's Ward	
AUBREY, Michael Ivan	1153
PARTRIDGE, Alfred Cecil	1633
WILSON, Brian	590

Turnout – 69.1%

St Peter's Ward	
DICK, William John Craig	1681
EMBERSON, William Frederick	576
SPILLMAN, Luke David	1154

Turnout – 67.8%

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Victoria Ward	
BLACKMORE, Patricia Anne	1008
RILEY, Colin George	1759
WEST, Frederick George	493
Turnout – 71.8%	

Canvey Island Central	
BENSUSAN, Anthony James	834
BLACKWELL, David Alan	1678
MUTCH, Sonia Louise	445
Turnout – 59.9%	

Canvey Island East	
BARRETT, Lee	988
LIDDIARD, Joan Margaret Elizabeth	678
MUMFORD, Charles Edward	996
REILLY, Jacqueline Constance	345
Turnout – 62.7%	

Canvey Island North	
PARTRIDGE, Vera Susan	1013
REILLY, Matthew James	513
WATSON, Grace	1664
Turnout – 62.2%	

Canvey Island South	
PAYNE, Janice	1254
PAYNE, John	350
STANLEY, Matthew Oliver	1089
SWANN, Elizabeth Ann	471
Turnout – 64.1%	

Canvey Island West	
DEAL, William Albert	267
HOWARD, Raymond Charles	1141
SAUNDERS, Katie	848
Turnout – 61.5%	

Canvey Island Winter Gardens	
HAUNTS, Patricia	1001
MARTHUR-CURTIS, Margaret Edith	565
WATSON, Neville	1383
Turnout – 60.6%	

Overall turnout 66.7%

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(b) Postal Voting:

The number of postal voters on the register was 9,874 and papers to this number were despatched. Up to the close of the poll 8,685 (87.9%) had been returned and the number of votes recorded in (a) above included the postal votes which were found to be in order.

(c) Return of Expenses:

These returns were required from candidates and election agents within 35 days of the election.

(d) Declaration: Declarations of Acceptance of Office had been made as required by statute.

(e) Commentary on the conduct of the elections:

The poll for the Borough Elections was taken together with the Parliamentary General Election and the Canvey Island Town Council Elections.

Official polling cards were delivered to all registered electors between 30th March and 12th April in an A5 format and the content as prescribed in election rules. The larger format was customer focused and gave sufficient notice to residents to ensure that they were (a) on the Register of Electors and (b) to apply for either a postal or proxy vote in the event that they were unable to attend at a polling station personally. The poll cards at this year's elections were again hand delivered by members of staff employed as delivery agents, to ensure that residents received their cards in a timely fashion and before key deadlines e.g. the closing date for applications for postal votes.

In terms of polling stations, no new locations were used this year to provide some stability for electors following the review completed in January 2015. The Returning Officer was pleased to report that these arrangements had continued to work well.

The elections were the first to be delivered under the new system of Individual Electoral Registration (IER) introduced in June 2014. The new system was heavily advertised in the run up to the election period, with a national campaign alerting people that it was necessary to register to vote at these elections by 20 April. In addition, a Household Notification Letter was sent to every property in the Borough at the beginning of the year providing details of people currently registered to vote and giving an opportunity for each household to ensure that their registration was as accurate as possible prior to the 20 April deadline.

These activities appeared to be effective with only a relative few isolated instances of residents not being registered and unable to vote at last week's elections.

As section (b) of this report states, nearly 10,000 postal votes were issued and this represents an increase in the number issued at the last Borough Elections in 2014. The preparation of the postal ballot paper packs was outsourced to a mailing house and these arrangements were both efficient and effective.

Accuracy in preparation was exceptional and elections staff had confidence that this went well. The delivery by Royal Mail both in respect of the initial mailing of the postal vote packs and the re-issued packs where postal votes had either been spoilt or packs had not been received by electors went smoothly this year. The receipting of the postal votes was, as in previous years, undertaken in house and the Returning Officer was pleased to report that these arrangements worked well with candidate's representatives able to attend to oversee the process if they wished.

Finally, the verification and counting of the votes was carefully planned by the Returning Officer's Elections Team and delivered timely declarations for each of the fourteen Wards. This was achieved by the use of a fresh team of staff and by placing some emphasis on accuracy through the verification process and the counting of the votes between candidates. The Returning Officer's Elections Team also took account of feedback from previous year's elections and focused again this year, as we did in 2014, particularly on the verification of the votes to make this process faster whilst maintaining accuracy. His team's planning also took into account the higher turnout and increased number of votes for processing that is associated with a combined poll with a Parliamentary General election, and, whilst this generally went well the process for delivering the Canvey Island Town Council count was to be kept under review.

In conclusion, the Returning Officer was pleased to report that the measures implemented by his Elections Team worked successfully and contributed to the delivery of timely and robust election results which should have the confidence of the Council, political parties, candidates and the electorate of the Borough.

Resolved – to note the report.

9. POLITICAL PROPORTIONS OF THE COUNCIL AND APPOINTMENTS TO COMMITTEES ETC

The Council considered a report which reviewed the allocation of seats to the Political Groups on the Council. Details of the allocations were set out in the report. As a result of the Borough Elections this year the allocation of seats to the political groups had changed.

On 8.5.2015 notice was received that Councillor Brian Wood had resigned his membership of the UKIP Group on the Council and no longer wished to be treated as member of that Group. He wished to be treated as an Independent member on the Council.

At present the Council had three Independent Councillors namely Councillors Hurrell, Letchford and Wood. These independent Councillors had not given notice of their wish to form a separate Political Group. Consequently it was for the Council to allocate seats and appoint these Councillors to the Council's Committees

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The allocation of memberships on the Committees had to be on the basis of the political proportions of the Council.

Throughout the calculations on proportions, the figures had therefore been based on the proportions of the groups to the membership of the Council as it was at present i.e. 41 as shown in the following table.

Party	Seats	Proportions for allocation purposes
Conservative	22	54% (53.65%)
Canvey Island Independent	13	32% (31.70%)
UKIP	3	7% (7.31%)

In the remainder of this item relating to the appointment of Committees etc, the above political proportions had been applied and the allocations rounded to ensure compliance with the political balance requirement.

The table below showed the total number of seats allocated to each Group:-

Party	Actual Allocation	
Conservative	43	54%
Canvey Island Independent	25	32%
UKIP	6	7%
Independent Allocation	5	
Total	79	

Details of the Groups' wishes concerning the appointments had been circulated in an informal memorandum.

The appointments were to be made based on the Council Structure approved at the Annual Meeting last year on 15.5.2012 for the conduct of council business under the Localism Act 2011.

Moved by Councillor Riley and duly seconded, and –

Resolved:

1. To make the appointments as set out in the following resolutions.

2. To appoint the following Committees and that the membership and the appointment of the Chairmen be as follows:

Scrutiny Committee

Conservative:

Councillors: Cross, E.Egan, Mrs Goodwin

Canvey Independent:

Councillors: Blackwell, Tucker

UKIP:

Independent: Cllr Hurrell

Chairman: Councillor Blackwell

Policy & Scrutiny Committees

Environment

Conservative:

Councillors: Cross, Mrs Goodwin, Hart, Partridge, Walter, Mrs Wass.

Canvey Independent:

Councillors: Anderson, Mrs Payne, Palmer

UKIP: Councillor Bayley

Chairman: Councillor Walter

Wellbeing

Conservative:

Councillors: E. Egan, Mrs Goodwin ,Mrs. Govier, Mumford, Walter.

Canvey Independent:

Councillors: Acott, Harvey, Mrs Payne

UKIP: Councillor Hudson

Independent: Councillor Wood

Chairman: Councillor Mrs Goodwin

Place & Communities

Conservative:

Councillors: Cole, Mrs. Goodwin, Hart, MacLean, Mumford, Walter

Canvey Independent:

Councillors: Campagna, May, Mrs G. Watson

Independent: Councillor Letchford

Chairman: Councillor Hart

Audit

Conservative:

Councillors: Ladzrie, Walter, Mrs Wass

Canvey Independent:

Councillors: Blackwell, Tucker

Chairman: Councillor Ladzrie

3. To appoint the following Regulatory, Standing Committees and Working Group and that the membership and the appointment of the Chairman be as follows:

Review

Conservative:

Councillors: Mrs. Egan, Mrs.Govier, Ladzrie, MacLean.

Canvey Independent:

Councillors: Blackwell, May, Mrs G. Watson.

UKIP: Councillor Hudson

Chairman: Councillor Ladzrie.

Development Control

Conservative:

Councillors: Cole, Cross, Mrs Govier, Hart, Sharp, Smith, Mrs Wass.

Canvey Independent:

Councillors: Anderson, Blackwell, Mrs King, N. Watson.

UKIP: Councillor Varker.

Independent: Councillor Wood.

Chairman: Councillor Ladzrie

Vice Chairman: Councillor Smith

Licensing

Conservative:

Councillors: E. Egan Isaacs, Ladzrie, MacLean, Mumford, Stanley, Walter, Mrs Wass

Canvey Independent:

Councillors: Acott, Blackwell, Greig, May, Palmer.

UKIP: Councillor Bayley

Independent: Councillor Hurrell

Chairman: Councillor E.Egan

Task and Finish Group New Local Plan

Conservative:

Councillors: Smith, Dick, Isaacs, Ladzrie, Stanley.

Canvey Independent:

Councillors: Anderson, Blackwell, Tucker, Watson.

UKIP: Councillor Varker

Chairman: Councillor Smith

10. REPORT OF THE LEADER OF THE COUNCIL REGARDING APPOINTMENTS TO CABINET

The Leader presented a report to Council which set out details of his appointment of Members to the Cabinet and outlined their responsibilities.

Resolved – to note the report and the following appointments:

Councillor Riley	Chairman - Leader of the Council
Councillor Stanley	Responding to Challenge
Councillor Sharp	Finance
Councillor Skipp	Environment & Leisure
Councillor Mrs Egan	Homes and Customer Engagement
Councillor Dick	Health & Wellbeing
Councillor Howard	Waste, Floods and Water Management

Councillor Isaacs

Neighbourhoods and Safer
Communities

Councillor Smith

Regeneration & Business Liaison

11. APPOINTMENT OF MEMBERS TO SERVE ON OUTSIDE BODIES

Moved by Councillor Riley and duly seconded, and –

Resolved - That the following Members be appointed representatives on outside bodies

Name of Body	Councillor
Age Concern	Cllr Mrs J.E.E Govier
Air Training Corps (Canvey Squadron)	Cllr J. Anderson
Air Training Corps (Thundersley Squadron)	Cllr G.I. Isaacs
Arts Ministry	Cllr C.E.Mumford
British Red Cross Society (Essex Branch)	Cllr JEE Govier
Castle Point Association of Voluntary Services	Cllr C.G.Riley Cllr R Hurrell
Castle Point Citizens' Advice Bureau	Cllr C.A MacLean
Castle Point Home Safety & Health Promotion Committee	Cllr Mrs L. Wass Cllr Mrs J.E.E. Govier Cllr BS Wood Cllr B.C. Campagna
Castle Point Sports Club for the Disabled (Executive Committee)	Cllr P.J. May
Carers Choice (Castle Point Branch) Management Committee	Cllr Mrs W. Goodwin
Jubilee Training and Welfare Centre Trust	Cllr R.C. Howard
Local Government Association	Leader of the Council
London Southend Airport Consultative Committee	Cllr A. Partridge

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Castle Point Local Action Group	Cllr Mrs G. Watson
Veolia North Thames Trust	Cllr R.C. Howard
Relate South Essex	Cllr Mrs J.E.E. Govier
Royal National Lifeboat Institution (Canvey Island Branch)	Cllr N. Harvey
Name of Body	Councillor
Age Concern	Cllr Mrs J.E.E Govier
Air Training Corps (Canvey Squadron)	Cllr J. Anderson
Air Training Corps (Thundersley Squadron)	Cllr G.I. Isaacs
Arts Ministry	Cllr C.E.Mumford
British Red Cross Society (Essex Branch)	Cllr JEE Govier
Castle Point Association of Voluntary Services	Cllr C.G.Riley Cllr R Hurrell
Castle Point Citizens' Advice Bureau	Cllr C.A MacLean
Castle Point Home Safety & Health Promotion Committee	Cllr Mrs L. Wass Cllr Mrs J.E.E. Govier Cllr BS Wood Cllr B.C. Campagna
Castle Point Sports Club for the Disabled (Executive Committee)	Cllr P.J. May
Carers Choice (Castle Point Branch) Management Committee	Cllr Mrs W. Goodwin
Jubilee Training and Welfare Centre Trust	Cllr R.C. Howard
Local Government Association	Leader of the Council
London Southend Airport Consultative Committee	Cllr A. Partridge
Castle Point Local Action Group	Cllr Mrs G. Watson
Veolia North Thames Trust	Cllr R.C. Howard
Relate South Essex	Cllr Mrs J.E.E. Govier

Annual Council 20.5.2015

Royal National Lifeboat Institution (Canvey Island Branch)	Cllr N. Harvey
South Essex Partnership	Leader of the Council
Royal Voluntary Service	Cllr Mrs W. Goodwin
Wyvern Community Transport	Cllr S.E. Hart
Essex Police & Crime Panel	Cllr G.I. Isaacs

12. DAY AND HOUR OF MEETINGS

Resolved – to approve the Calendar of Meetings for the Council year 2015/20156

Mayor

ORDINARY COUNCIL

22ND JULY 2015

Subject: Consideration of Recommendations from Regulatory Committees: Gambling Act 2005- Review of Gambling Licensing Policy

1. Purpose of Report

To present to Council a recommendation from the Licensing Committee held on 30.4.2015 to adopt a revised Gambling Licensing Policy Statement.

2. Background

Under the terms of the Gambling Act 2005, the Council's Gambling Licensing Policy has to be reviewed every three years. The current Statement of Gambling Licensing Policy came into effect in January 2013. The third review was now due and had been undertaken by the Licensing Committee.

The Committee was mindful of the consultation being undertaken by the Gambling Commission on guidance to local authorities which was proposing significant changes. However there would be insufficient time to complete the review once the revised guidance was issued by the Gambling Commission

3. Present Position

The Licensing Committee decided to adopt the current policy, with the addition of the amendments made by the Gaming Machine (Amendment) Regulations 2014 that came into force on the 15th January 2014 and were agreed by the Licensing Committee on 25th February 2014. This new revised policy would then be valid for the next three year period (January 2016 to January 2019).

By re-adopting the revised policy document in this way, this would provide sufficient time for the Council to carry out a full review of its policy, in light of any changes which the Gambling Commission may publish to its Guidance to Licensing Authorities.

This draft policy had been subject to a consultation process. Statutory consultees are prescribed by the Gambling Act, and include responsible authorities (such as the Police, Fire Brigade) and interested parties (residents or residents groups, trade organisations).

4. Proposals

No comments or observations were received on the revised policy. The Licensing Committee agreed to recommend to Council to adopt the revised Gambling Licensing Policy Statement. A copy is attached to this report.

5. Corporate Implications

Links to Corporate Priorities and objectives

- 5.1 The draft Gambling Policy contributes directly towards the Council's priorities of *Transforming our Community* and *Public Health and Wellbeing*. The way in which it is applied will contribute towards the priority of *Efficient and Effective Customer Focused Services*.

Financial implications

- 5.2 There are no financial implications arising from this report.

Legal implications

- 5.3 The Gambling Act 2005 requires that the policy is reviewed every three years in order that it can reflect changes in law, guidance and codes of practice. It also determines statutory consultees.

Human Resources, Equality, IT/Asset Management Implications

- 5.4 The public sector Equality Duty pursuant to Section 149 of the Equality Act 2010 ("the Act") came into force on the 5th April 2011. The Equality Act 2010 (Age Exceptions) Order 2012 ("the Order") came into effect on the 1st October 2012. The Equality Duty requires the Council to consider how the decisions it makes and services it delivers affects people who share different "protected characteristics".
- 5.5 The local authority when reviewing its Statement of Licensing Policy under the Gambling Act 2005 must have due regard for the need to eliminate unlawful discrimination, harassment, victimisation to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics includes age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.6 The revisions proposed are in accordance with the equality framework for local government which describes how the local authority will fulfil its moral, social and legal obligations; this equality framework is closely linked to the Corporate Plan and to other strategies, policies and plans.

6. Timescale for Implementation and Risk Factors

The table below sets out the proposed timetable of events for the review of the policy document.

Action	Date due	Outcome
Draft revised policy	March 2015	Revised policy drafted
External consultation	26 th March 2015 to 27 th April 2015	Observations/comments received
Agreement and approval of the revised policy document by the Licensing Committee	30 th April 2015	Agreed for presentation to Council for full adoption
Policy to be agreed by Ordinary Council	July 2015	Full Council agreement obtained
Policy published	January 2016	Policy published

Recommendation

That the Council agrees to adopt the revised Gambling Licensing Policy Statement.

Resolution Required

Background Papers

Gambling Act 2009
Castle Point Statement of Licensing Policy



GAMBLING LICENSING POLICY STATEMENT

DRAFT

FOREWORD

This is the fourth Statement of Licensing Policy produced by Castle Point Borough Council under the Gambling Act 2005 and it forms the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority commencing after ratification by Council in July 2015 and over the next three years from 31st January 2016.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the Borough and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy is regularly reviewed and amended to reflect changes in legislation (latest update July 2015). The Council will seek through the licensing process and the decisions it takes, to make Castle Point a safe and welcoming place for both residents and visitors to enjoy.

CASTLE POINT BOROUGH 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 the Castle Point Borough Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

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

2.0 THE LICENSING OBJECTIVES

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

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

3.0 DESCRIPTION OF THE BOROUGH

3.1 Castle Point Borough Council is in the County of Essex, which comprises eleven District and Borough Councils, one City and two Unitary Authorities. The Borough of Castle Point is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of 89,200 people (as taken from the office of the national statistics June 2008).

3.2 Through the middle of the Borough runs Benfleet Creek, joining the mainland of Benfleet to the north and Canvey Island to the south. The area is largely urban, with considerable open spaces and green belt.

3.3 There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs, betting shops, family entertainment centres, adult entertainment centres, amusements arcades and bingo halls. There are also a number of registered society lotteries.

3.4 There are several areas within the Borough that form part of the focal point for community life such as the seafront area of Canvey Island which provides amusement arcades.

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

4.0 RESPONSIBILITIES UNDER THE ACT

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

4.2 The Act establishes the Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Castle Point Borough Council is the Licensing Authority for Castle Point.

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;
- 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 covered, 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. In addition it is responsible for the registration of certain types of exempt Small Society Lotteries.

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

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

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

5.0 STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Policy'. 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 is effective from 31 January 2013.

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'. A list of these other groups and persons consulted can be made available by request to the Licensing Department, Castle Point Borough Council, Council Offices, Kiln Road, Benfleet, Essex SS7 1TF.

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

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were:-

- Organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 The Licensing Authority's consultation took place between Monday 12th March 2012 and Monday 13th August 2012.

7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on December 2012 and was published via its website on December 2012. 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 In this Policy 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.

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

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

9.0 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex 'B'. It should be noted that under the Act, the Licensing Authority 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 the Essex County Council Children's Safeguarding Service for this purpose.

10.0 INTERESTED PARTIES

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

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

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

b) has business interests that might be affected by the authorised activities,

or

c) represents persons who satisfy paragraphs (a) or (b).'

10.2 Interested Parties can be persons who are democratically elected, such as Borough and Parish Councillors and MPs. No specific evidence of being asked to represent an

interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Town Councils likely to be affected will be considered to be Interested Parties.

10.3 Borough Councillors who are members of the Licensing Committee will not qualify to act in this way.

10.4 Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

10.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

10.6 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.

11.0 EXCHANGE OF INFORMATION

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

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. An audit trail should include:-

- Record of data disclosed;
- Project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

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 will 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 as promulgated by the Better Regulation Executive and the Hampton/McCrory reviews of regulatory inspections and enforcement and endeavour to 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.

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

13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, will be available on request. Details of the risk based approach to inspection will also be available upon request.

Details of this information will be available on the Council's website:
www.castlepoint.gov.uk

PART B

PREMISES LICENCES

14.0 DELEGATION OF POWERS

14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Annex 'E'.

15.0 GENERAL PRINCIPLES

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

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

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- to be reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Policy.

15.3 Definition of Premises

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

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

15.4 Demand

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

15.5 Location

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

15.6 Duplication with other Regulatory Regimes

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

15.7 Licensing Objectives

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

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

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

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

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

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

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

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, alcohol or drugs.

15.8 Conditions

The 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
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; 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.

15.9 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

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

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

15.11 Door Supervisors

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

15.12 Credit

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

15.13 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*).

- 15.14** 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.

15.15 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.

16.0 PROVISIONAL STATEMENTS

16.1 It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provisional Statement'. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as planning consent.

17.0 REPRESENTATIONS AND REVIEWS

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

17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Strategic Director as being the proper person to act on its behalf.

17.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

17.4 There is no appeal against the Authority's determination of the relevance of an application for review.

18.0 ADULT GAMING CENTRES

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

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

19.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES

19.1 A Licensed Family Entertainment Centre is defined in 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.

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

20.0 CASINOS

20.1 The Licensing Authority has adopted:

No decision made but each application be considered on its own merit.

In making this decision the Licensing Authority consulted widely on this specific issue.

20.2 Casinos and Competitive Bidding

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

20.3 Betting Machines

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*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should 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.

20.4 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.

20.5 Credit

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

21.0 BINGO PREMISES

21.1 A Bingo premises 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.

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

21.3 Credit

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

22.0 BETTING PREMISES

22.1 Betting Premises are defined in Annex 'C'.

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

23.0 TRACKS

23.1 A Track is defined in Annex 'C'. Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

24.0 TRAVELLING FAIRS

24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use. (See Annex 'H').

PART C

PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES /REGISTRATIONS

25.0 GENERAL

25.1 Forms and Method of Application and any additional information or documents required for permits covered by this section are shown in Appendix F.

26.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

26.1 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.

26.2 Statement of Licensing Principles

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 Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- 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

27.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

27.1 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. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

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

27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

27.4 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.

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.

28.0 PRIZE GAMING PERMITS

28.1 Statement of Licensing Principles

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 Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- 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 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.

29.0 CLUB GAMING AND CLUB MACHINE PERMITS

29.1 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.

29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

30.0 TEMPORARY USE NOTICES (TUN)

30.1 The persons designated to receive TUNs and to issue objections are specified in Annex 'D'.

- 30.2** A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present this covers equal chance betting only.
- 30.3** 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.
- 30.4** 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.
- 30.5** 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.

31.0 OCCASIONAL USE NOTICES

- 31.1** Occasional Use Notices (OUN) apply only to Tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2** OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3** The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4** The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 31.5** The person designated to receive the OUN's and to assess the validity is the Head of Legal Services and Monitoring Officer. (A copy to be served on local Chief of Police).

32.0 SMALL SOCIETY LOTTERIES

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

33.0 DEFINITIONS – Annex 'C'

34.0 TEMPORARY USE NOTICES/HOW TO MAKE A REPRESENTATION – Annex 'D'

35.0 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS – Annex 'E'

36.0 APPLICATION PROCESS - Annex 'F'

37.0 FEES – Annex 'G'

38.0 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.

ANNEX 'A'

LIST OF CONSULTEES

British Amusement Catering Trade Association (BACTA)

Churches Together

Citizens Advice Bureau

Essex Fire and Rescue Services

Essex Police

Essex County Council Children's Safeguarding Service

Gamblers Anonymous

Gamcare

Gambling Commission

HM Customs and Excise

Ladbrokes Betting and Gaming Ltd

Local Solicitors

Members of the Borough Council

Solicitors specialising in licensing issues

Castle Point Minority Ethnic Partnership

Castle Point Community Voluntary Services

Castle Point Borough Council Environmental Services

Castle Point Borough Council Planning Services

South East Essex Primary Care Trust

Canvey Town Council

Essex County Council Trading Standards

Gala Coral Group Ltd

Pridmore Bookmakers

William Hill

ANNEX 'B'

RESPONSIBLE AUTHORITIES

Organisation	Contact and Address	Telephone
Licensing Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF licensingunit@castlepoint.gov.uk	01268 882416
Essex Police	South East Licensing Southend Police Station Victoria Avenue Southend on Sea Essex SS2 6ES southendlicensing@essex.pnn.police.uk	01702 423118
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Rayleigh Weir Community Fire Station 500 Rayleigh Road Benfleet Essex SS7 3TR Bt.command@essex-fire.gov.uk	01376 576500
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council 70 Duke Street County Hall Chelmsford Essex CM1 1JP licenceapplications@essexcc.gov.uk	01245 492211
Trading Standards [Essex]	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS Peter.strutton@essex.gov.uk	01245 341800

Organisation	Contact and Address	Telephone
The Local Planning Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF planning@castlepoint.gov.uk	01268 882200
The Local Authority with functions related to prevention of risk of pollution of the environment. (Environmental Health) -	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF environmentalhealth@castlepoint.gov.uk	01268 882200
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6500
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

ANNEX 'C'

DEFINITIONS

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 Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
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	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Automatic provision <input type="checkbox"/> Regulations provided by Secretary of State <input type="checkbox"/> Conditions provided by Gambling Commission <input type="checkbox"/> 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>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
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. 																											
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.																											
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.																											
Gaming Machine	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p><u>Categories</u></p> <table border="1"> <thead> <tr> <th>Category</th> <th>Max. Stake</th> <th>Max. Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£5</td> <td>£10,000</td> </tr> <tr> <td>B2</td> <td>£100</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3A</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£2</td> <td>£400</td> </tr> <tr> <td>C</td> <td>£1</td> <td>£100</td> </tr> <tr> <td>D</td> <td>20p or 30p*</td> <td>£20 or £10*</td> </tr> </tbody> </table> <p>*when monetary prize only</p>	Category	Max. Stake	Max. Prize	A	Unlimited	Unlimited	B1	£5	£10,000	B2	£100	£500	B3	£2	£500	B3A	£2	£500	B4	£2	£400	C	£1	£100	D	20p or 30p*	£20 or £10*
Category	Max. Stake	Max. Prize																										
A	Unlimited	Unlimited																										
B1	£5	£10,000																										
B2	£100	£500																										
B3	£2	£500																										
B3A	£2	£500																										
B4	£2	£400																										
C	£1	£100																										
D	20p or 30p*	£20 or £10*																										
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3 rd edition dated May 2009.																											
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>																											

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]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <input type="checkbox"/> Lives sufficiently close to the premises to be likely affected by the authorised activities. <input type="checkbox"/> Have business interests that might be affected by the authorised activities. <input type="checkbox"/> Represents persons in either of the above groups.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <input type="checkbox"/> Identify the promoting society; <input type="checkbox"/> State the price of the ticket, which must be the same for all tickets; <input type="checkbox"/> State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and <input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.
Members' Club	A club that must:- <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.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
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	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
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.

Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Relevant Representations	<p>Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.</p>
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> 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 Tendring District are contained in Appendix 'B' to this Policy.</p>
Small Society Lottery	<p>A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.</p>
Society	<p>The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.</p>
Temporary Use Notice	<p>To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.</p>
Tote [or Totalisator]	<p>Pool betting on tracks.</p>
Track	<p>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.</p>

Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined 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"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> 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'

TEMPORARY USE NOTICES

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Essex Police
- HM Commission for Revenues and Customs

- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

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ANNEX 'E'

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee Setting - when appropriate	-	-	All cases
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		All cases	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	
Consideration of an Occasional Use Notice			All cases

ANNEX 'F'

APPLICATION PROCESS

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

PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

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

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing category C gaming machines.

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

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

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

New Licences or Permissions

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

TRACKS

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

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

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

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at www.gamblingcommission.gov.uk).

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

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

BETTING MACHINES

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

GAMING MACHINE SUPPLY & REPAIR

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

GAMING MACHINES IN LICENSED PREMISES

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

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

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	5	10,000
B2	100	500
B3	2	500
B3A	2	500
B4	2	400
C	1	100
D	20p or 30p when non-monetary prize	£10 cash or £20 non-monetary prize
D Non money prize (other than a crane machine)	30p	8
D Non money prize (crane grab machine)	1	50

Fig. 2

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Regional casino			A,B,C and D, except B3A. Maximum of 1250 or 25 x No of gaming tables, whichever is less. (Casino must have at least 40 gaming tables. Otherwise permission is as for large casino)					
Large casino			B,C and D, except B3A. Maximum of 150 or 5 x No of gaming tables, whichever is less. (Large casino must have at least one gaming table)					
Small casino (B,C and D except B3A. Maximum of 80 machines or 2 x No of gaming tables, whichever is less.					
Pre-2005 Act casinos (no machine/ table ratio)			Maximum of 20 machines categories B to D or C or D machines instead (except B3A)					
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categories B2 to D not to include B3A				
Bingo Premises					Maximum of 8 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines	
Adult gaming centre					Maximum of 4 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family Entertainment Centre gaming machine permit							D	
Club Gaming permit					B3A, B4, C and D		3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.	
Club machine permit					B3A, B4, C and D		3 total	
Licensed premises: automatic entitlement					C and D		2 total	
Licensed premises gaming machine permit					C and D		Unlimited	

*Licensed AGC and bingo premises in existence before 13th July 2011 are entitled to make available four (AGCs) or eight (bingo) category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. AGC and bingo premises licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of four or eight category B gaming

machines or 20% of the total number of gaming machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

TEMPORARY USE NOTICES (TUN's)

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

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 to different parts.

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.

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

Issue

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

- the Licensing Authority
- the Chief Officer of Police
- HM Commissioners for Revenue and Customs
and, if applicable,
- any other Licensing Authority in whose area the premises are situated

The notice must include details of: -

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

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

Objections

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

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

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

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

OCCASIONAL USE NOTICES (OUN'S)

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

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

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

Issue

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

Objections

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

PREMISES LICENCES

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE



1. Attach required documentation
2. Pay prescribed fee



1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

GAMING PERMITS

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

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

GAMING MACHINES

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below. As amended by the Gaming Machine (Amendment) Regulations 2014.

Fig. 3

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

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

Fig. 4

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miners' Welfare Institutes with permits				B3A				Maximum of 3 category B4 B3A to D machines
Qualifying alcohol licensed premises upon notification								Automatic entitlement of 1 or 2 category C or D machines
Qualifying alcohol licensed premises with gaming machine permit								Unlimited category C or D machines - number specified on permit

Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

ALCOHOL-LICENSED PREMISES

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

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

The following paragraphs apply only to those premises.

Automatic Entitlement

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

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

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

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

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

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

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons

- any documentary evidence [e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

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

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

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

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

MEMBERS' CLUBS

The Gambling Act 2005 permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3A, B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3A, B4, C or D under a **Club Machine Permit**.

New Permits

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

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

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

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous 10 years
- an objection has been made by the Police or Gambling Commission

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

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

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

Transitional Arrangements

A registration that was in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

OTHER PREMISES

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

UNLICENSED FAMILY ENTERTAINMENT CENTRES

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

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

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

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

New permits

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

PRIZE GAMING

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

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

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

New permits

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

Prize gaming without a permit

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

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

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

TRAVELLING FAIRS

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

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

ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D



UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee



MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee



1. Permit has effect from date of grant unless surrendered or cancelled
2. Annual charge to be paid to Licensing Authority



1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.



BUT

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

MEMBERS' CLUBS

MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES

Applications for new permits and renewals must be made to Licensing Authority

ATTACH TO APPLICATION

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

UNLICENSED FAMILY ENTERTAINMENT CENTRE

PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Pay prescribed fee
5. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

PRIZE GAMING PERMIT

PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

LOTTERIES

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

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

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

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

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

The Licensing Authority will require applicants to declare: -

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

The Licensing Authority may refuse an application if: -

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

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

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

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

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

NEW REGISTRATIONS

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

Lottery Requirements

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

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

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

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment, and include the following details: -
 - the dates when tickets were available for sale;
 - the dates of any draw and value of prizes, including any rollover;
 - the proceeds raised;
 - the amounts deducted for prizes and expenses incurred in organising the lottery;
 - the amount applied or to be applied to the purposes of the promoting society; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

EXTERNAL LOTTERY MANAGERS

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

SMALL SOCIETY LOTTERIES

PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN

1. Attach information required: -
 - (a) Purpose for which society established
 - (b) Confirm bona fides of society as non-commercial
 - (c) Declare convictions, if any
2. Pay prescribed fee
3. Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery **and** where any were paid for other than from proceeds of lottery, the amount and source

Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence , or
3. Information provided in application is false/misleading
Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

ANNEX G

FEES

Classes of Premises Licence	Application for a Permit - New Operator £	Application for a Permit - Existing Operator £	Renewal of a Permit £	Annual Fee £	Fee for application to vary a Permit £	Fee for application to transfer a Permit £	Change of Name £	Copy of Permit £
Prize Gaming	300	100	300	-	-	-	25	15
Family Entertainment Centre Gaming Machine (Category D machines only)	300	100	300	-	-	-	25	15
Club Gaming and Club Machine Permit*	200	100	200	50	100	-	-	15
Licensed Premises Gaming Machine Permit	150	100	-	50	100	25	25	15
Notice of Intention to make gaming machines available on premises with a premises alcohol licence. Two or less Category D Gaming Machines				Application for a Permit – New Operator £ 50				

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

The Licensing Department
Castle Point Borough Council
Kiln Road
Benfleet
Essex SS7 1TF
Tel: 01268 - 882416
E-mail: licensingcastlepoint.gov.uk

or alternatively by viewing the Council's Website.



castlepoint

benfleet | canvey | hadleigh | thundersley

GAMBLING LICENSING POLICY STATEMENT

DRAFT

FOREWORD

This is the fourth Statement of Licensing Policy produced by Castle Point Borough Council under the Gambling Act 2005 and it forms the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority commencing after ratification by Council in July 2015 and over the next three years from 31st January 2016.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the Borough and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy is regularly reviewed and amended to reflect changes in legislation (latest update July 2015). The Council will seek through the licensing process and the decisions it takes, to make Castle Point a safe and welcoming place for both residents and visitors to enjoy.

CASTLE POINT BOROUGH 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 the Castle Point Borough Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

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

2.0 THE LICENSING OBJECTIVES

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

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

3.0 DESCRIPTION OF THE BOROUGH

3.1 Castle Point Borough Council is in the County of Essex, which comprises eleven District and Borough Councils, one City and two Unitary Authorities. The Borough of Castle Point is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of 89,200 people (as taken from the office of the national statistics June 2008).

3.2 Through the middle of the Borough runs Benfleet Creek, joining the mainland of Benfleet to the north and Canvey Island to the south. The area is largely urban, with considerable open spaces and green belt.

3.3 There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs, betting shops, family entertainment centres, adult entertainment centres, amusements arcades and bingo halls. There are also a number of registered society lotteries.

3.4 There are several areas within the Borough that form part of the focal point for community life such as the seafront area of Canvey Island which provides amusement arcades.

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

4.0 RESPONSIBILITIES UNDER THE ACT

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

4.2 The Act establishes the Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Castle Point Borough Council is the Licensing Authority for Castle Point.

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;
- 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 covered, 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. In addition it is responsible for the registration of certain types of exempt Small Society Lotteries.

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

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

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

5.0 STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Policy'. 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 is effective from 31 January 2013.

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'. A list of these other groups and persons consulted can be made available by request to the Licensing Department, Castle Point Borough Council, Council Offices, Kiln Road, Benfleet, Essex SS7 1TF.

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

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were:-

- Organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 The Licensing Authority's consultation took place between Monday 12th March 2012 and Monday 13th August 2012.

7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on December 2012 and was published via its website on December 2012. 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 In this Policy 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.

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

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

9.0 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex 'B'. It should be noted that under the Act, the Licensing Authority 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 the Essex County Council Children's Safeguarding Service for this purpose.

10.0 INTERESTED PARTIES

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

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

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

b) has business interests that might be affected by the authorised activities,

or

c) represents persons who satisfy paragraphs (a) or (b).'

10.2 Interested Parties can be persons who are democratically elected, such as Borough and Parish Councillors and MPs. No specific evidence of being asked to represent an

interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Town Councils likely to be affected will be considered to be Interested Parties.

10.3 Borough Councillors who are members of the Licensing Committee will not qualify to act in this way.

10.4 Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

10.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

10.6 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.

11.0 EXCHANGE OF INFORMATION

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

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. An audit trail should include:-

- Record of data disclosed;
- Project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

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 will 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 as promulgated by the Better Regulation Executive and the Hampton/McCrory reviews of regulatory inspections and enforcement and endeavour to 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.

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

13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, will be available on request. Details of the risk based approach to inspection will also be available upon request.

Details of this information will be available on the Council's website:
www.castlepoint.gov.uk

PART B

PREMISES LICENCES

14.0 DELEGATION OF POWERS

14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Annex 'E'.

15.0 GENERAL PRINCIPLES

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

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

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- to be reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Policy.

15.3 Definition of Premises

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

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

15.4 Demand

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

15.5 Location

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

15.6 Duplication with other Regulatory Regimes

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

15.7 Licensing Objectives

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

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

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

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

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

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

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

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, alcohol or drugs.

15.8 Conditions

The 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
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; 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.

15.9 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

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

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

15.11 Door Supervisors

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

15.12 Credit

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

15.13 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*).

- 15.14** 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.

15.15 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.

16.0 PROVISIONAL STATEMENTS

16.1 It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provisional Statement'. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as planning consent.

17.0 REPRESENTATIONS AND REVIEWS

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

17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Strategic Director as being the proper person to act on its behalf.

17.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

17.4 There is no appeal against the Authority's determination of the relevance of an application for review.

18.0 ADULT GAMING CENTRES

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

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

19.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES

19.1 A Licensed Family Entertainment Centre is defined in 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.

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

20.0 CASINOS

20.1 The Licensing Authority has adopted:

No decision made but each application be considered on its own merit.

In making this decision the Licensing Authority consulted widely on this specific issue.

20.2 Casinos and Competitive Bidding

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

20.3 Betting Machines

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*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should 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.

20.4 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.

20.5 Credit

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

21.0 BINGO PREMISES

21.1 A Bingo premises 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.

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

21.3 Credit

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

22.0 BETTING PREMISES

22.1 Betting Premises are defined in Annex 'C'.

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

23.0 TRACKS

23.1 A Track is defined in Annex 'C'. Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

24.0 TRAVELLING FAIRS

24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use. (See Annex 'H').

PART C

PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES

/REGISTRATIONS

25.0 GENERAL

25.1 Forms and Method of Application and any additional information or documents required for permits covered by this section are shown in Appendix F.

26.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE **GAMING MACHINE PERMITS**

26.1 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.

26.2 Statement of Licensing Principles

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 Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- 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

27.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

27.1 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. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

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

27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

27.4 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.

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.

28.0 PRIZE GAMING PERMITS

28.1 Statement of Licensing Principles

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 Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- 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 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.

29.0 CLUB GAMING AND CLUB MACHINE PERMITS

29.1 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.

29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

30.0 TEMPORARY USE NOTICES (TUN)

30.1 The persons designated to receive TUNs and to issue objections are specified in Annex 'D'.

- 30.2** A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present this covers equal chance betting only.
- 30.3** 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.
- 30.4** 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.
- 30.5** 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.

31.0 OCCASIONAL USE NOTICES

- 31.1** Occasional Use Notices (OUN) apply only to Tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2** OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3** The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4** The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 31.5** The person designated to receive the OUN's and to assess the validity is the Head of Legal Services and Monitoring Officer. (A copy to be served on local Chief of Police).

32.0 SMALL SOCIETY LOTTERIES

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

33.0 DEFINITIONS – Annex 'C'

34.0 TEMPORARY USE NOTICES/HOW TO MAKE A REPRESENTATION – Annex 'D'

35.0 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS – Annex 'E'

36.0 APPLICATION PROCESS - Annex 'F'

37.0 FEES – Annex 'G'

38.0 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.

ANNEX 'A'

LIST OF CONSULTEES

British Amusement Catering Trade Association (BACTA)

Churches Together

Citizens Advice Bureau

Essex Fire and Rescue Services

Essex Police

Essex County Council Children's Safeguarding Service

Gamblers Anonymous

Gamcare

Gambling Commission

HM Customs and Excise

Ladbrokes Betting and Gaming Ltd

Local Solicitors

Members of the Borough Council

Solicitors specialising in licensing issues

Castle Point Minority Ethnic Partnership

Castle Point Community Voluntary Services

Castle Point Borough Council Environmental Services

Castle Point Borough Council Planning Services

South East Essex Primary Care Trust

Canvey Town Council

Essex County Council Trading Standards

Gala Coral Group Ltd

Pridmore Bookmakers

William Hill

ANNEX 'B'

RESPONSIBLE AUTHORITIES

Organisation	Contact and Address	Telephone
Licensing Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF licensingunit@castlepoint.gov.uk	01268 882416
Essex Police	South East Licensing Southend Police Station Victoria Avenue Southend on Sea Essex SS2 6ES southendlicensing@essex.pnn.police.uk	01702 423118
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Rayleigh Weir Community Fire Station 500 Rayleigh Road Benfleet Essex SS7 3TR Bt.command@essex-fire.gov.uk	01376 576500
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council 70 Duke Street County Hall Chelmsford Essex CM1 1JP licenceapplications@essexcc.gov.uk	01245 492211
Trading Standards [Essex]	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS Peter.strutton@essex.gov.uk	01245 341800

Organisation	Contact and Address	Telephone
The Local Planning Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF planning@castlepoint.gov.uk	01268 882200
The Local Authority with functions related to prevention of risk of pollution of the environment. (Environmental Health) -	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF environmentalhealth@castlepoint.gov.uk	01268 882200
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6500
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

ANNEX 'C'

DEFINITIONS

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 Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
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	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Automatic provision <input type="checkbox"/> Regulations provided by Secretary of State <input type="checkbox"/> Conditions provided by Gambling Commission <input type="checkbox"/> 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>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
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. 																											
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.																											
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.																											
Gaming Machine	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p><u>Categories</u></p> <table border="1"> <thead> <tr> <th>Category</th> <th>Max. Stake</th> <th>Max. Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£5</td> <td>£10,000</td> </tr> <tr> <td>B2</td> <td>£100</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3A</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£2</td> <td>£400</td> </tr> <tr> <td>C</td> <td>£1</td> <td>£100</td> </tr> <tr> <td>D</td> <td>20p or 30p*</td> <td>£20 or £10*</td> </tr> </tbody> </table> <p>*when monetary prize only</p>	Category	Max. Stake	Max. Prize	A	Unlimited	Unlimited	B1	£5	£10,000	B2	£100	£500	B3	£2	£500	B3A	£2	£500	B4	£2	£400	C	£1	£100	D	20p or 30p*	£20 or £10*
Category	Max. Stake	Max. Prize																										
A	Unlimited	Unlimited																										
B1	£5	£10,000																										
B2	£100	£500																										
B3	£2	£500																										
B3A	£2	£500																										
B4	£2	£400																										
C	£1	£100																										
D	20p or 30p*	£20 or £10*																										
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3 rd edition dated May 2009.																											
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>																											

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]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <input type="checkbox"/> Lives sufficiently close to the premises to be likely affected by the authorised activities. <input type="checkbox"/> Have business interests that might be affected by the authorised activities. <input type="checkbox"/> Represents persons in either of the above groups.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <input type="checkbox"/> Identify the promoting society; <input type="checkbox"/> State the price of the ticket, which must be the same for all tickets; <input type="checkbox"/> State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and <input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.
Members' Club	A club that must:- <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.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
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	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
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.

Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Relevant Representations	<p>Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.</p>
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> 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 Tendring District are contained in Appendix 'B' to this Policy.</p>
Small Society Lottery	<p>A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.</p>
Society	<p>The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.</p>
Temporary Use Notice	<p>To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.</p>
Tote [or Totalisator]	<p>Pool betting on tracks.</p>
Track	<p>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.</p>

Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined 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"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> 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'

TEMPORARY USE NOTICES

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Essex Police
- HM Commission for Revenues and Customs

- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

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ANNEX 'E'

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee Setting - when appropriate	-	-	All cases
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		All cases	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	
Consideration of an Occasional Use Notice			All cases

ANNEX 'F'

APPLICATION PROCESS

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

PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

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

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing category C gaming machines.

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

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

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

New Licences or Permissions

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

TRACKS

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

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

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

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at www.gamblingcommission.gov.uk).

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

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

BETTING MACHINES

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

GAMING MACHINE SUPPLY & REPAIR

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

GAMING MACHINES IN LICENSED PREMISES

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

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

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	5	10,000
B2	100	500
B3	2	500
B3A	2	500
B4	2	400
C	1	100
D	20p or 30p when non-monetary prize	£10 cash or £20 non-monetary prize
D Non money prize (other than a crane machine)	30p	8
D Non money prize (crane grab machine)	1	50

Fig. 2

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Regional casino			A,B,C and D, except B3A. Maximum of 1250 or 25 x No of gaming tables, whichever is less. (Casino must have at least 40 gaming tables. Otherwise permission is as for large casino)					
Large casino			B,C and D, except B3A. Maximum of 150 or 5 x No of gaming tables, whichever is less. (Large casino must have at least one gaming table)					
Small casino (B,C and D except B3A. Maximum of 80 machines or 2 x No of gaming tables, whichever is less.					
Pre-2005 Act casinos (no machine/ table ratio)			Maximum of 20 machines categories B to D or C or D machines instead (except B3A)					
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categories B2 to D not to include B3A				
Bingo Premises					Maximum of 8 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines	
Adult gaming centre					Maximum of 4 category B3 or B4 machines or 20% of the total number of gaming machines, whichever is the greater *		No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family Entertainment Centre gaming machine permit							D	
Club Gaming permit					B3A, B4, C and D		3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.	
Club machine permit					B3A, B4, C and D		3 total	
Licensed premises: automatic entitlement					C and D		2 total	
Licensed premises gaming machine permit					C and D		Unlimited	

*Licensed AGC and bingo premises in existence before 13th July 2011 are entitled to make available four (AGCs) or eight (bingo) category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. AGC and bingo premises licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of four or eight category B gaming

machines or 20% of the total number of gaming machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

TEMPORARY USE NOTICES (TUN's)

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

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 to different parts.

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.

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

Issue

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

- the Licensing Authority
- the Chief Officer of Police
- HM Commissioners for Revenue and Customs
and, if applicable,
- any other Licensing Authority in whose area the premises are situated

The notice must include details of: -

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

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

Objections

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

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

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

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

OCCASIONAL USE NOTICES (OUN'S)

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

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

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

Issue

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

Objections

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

PREMISES LICENCES

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE



1. Attach required documentation
2. Pay prescribed fee



1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

GAMING PERMITS

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

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

GAMING MACHINES

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below. As amended by the Gaming Machine (Amendment) Regulations 2014.

Fig. 3

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

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

Fig. 4

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miners' Welfare Institutes with permits				B3A				
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with gaming machine permit							Unlimited category C or D machines - number specified on permit	

Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

ALCOHOL-LICENSED PREMISES

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

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

The following paragraphs apply only to those premises.

Automatic Entitlement

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

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

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

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

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

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

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons

- any documentary evidence [e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

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

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

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

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

MEMBERS' CLUBS

The Gambling Act 2005 permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3A, B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3A, B4, C or D under a **Club Machine Permit**.

New Permits

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

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

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

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous 10 years
- an objection has been made by the Police or Gambling Commission

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

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

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

Transitional Arrangements

A registration that was in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

OTHER PREMISES

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

UNLICENSED FAMILY ENTERTAINMENT CENTRES

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

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

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

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

New permits

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

PRIZE GAMING

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

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

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

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

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

New permits

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

Prize gaming without a permit

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

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

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

TRAVELLING FAIRS

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

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

ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D



UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee



MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee



1. Permit has effect from date of grant unless surrendered or cancelled
2. Annual charge to be paid to Licensing Authority



1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.



BUT

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

MEMBERS' CLUBS

MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES

Applications for new permits and renewals must be made to Licensing Authority

ATTACH TO APPLICATION

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

UNLICENSED FAMILY ENTERTAINMENT CENTRE

PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Pay prescribed fee
5. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

PRIZE GAMING PERMIT

PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

LOTTERIES

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

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

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

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

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

The Licensing Authority will require applicants to declare: -

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

The Licensing Authority may refuse an application if: -

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

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

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

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

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

NEW REGISTRATIONS

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

Lottery Requirements

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

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

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

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment, and include the following details: -
 - the dates when tickets were available for sale;
 - the dates of any draw and value of prizes, including any rollover;
 - the proceeds raised;
 - the amounts deducted for prizes and expenses incurred in organising the lottery;
 - the amount applied or to be applied to the purposes of the promoting society; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

EXTERNAL LOTTERY MANAGERS

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

SMALL SOCIETY LOTTERIES

PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN

1. Attach information required: -
 - (a) Purpose for which society established
 - (b) Confirm bona fides of society as non-commercial
 - (c) Declare convictions, if any
2. Pay prescribed fee
3. Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery **and** where any were paid for other than from proceeds of lottery, the amount and source

Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence , or
3. Information provided in application is false/misleading
Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

ANNEX G

FEES

Classes of Premises Licence	Application for a Permit - New Operator £	Application for a Permit - Existing Operator £	Renewal of a Permit £	Annual Fee £	Fee for application to vary a Permit £	Fee for application to transfer a Permit £	Change of Name £	Copy of Permit £
Prize Gaming	300	100	300	-	-	-	25	15
Family Entertainment Centre Gaming Machine (Category D machines only)	300	100	300	-	-	-	25	15
Club Gaming and Club Machine Permit*	200	100	200	50	100	-	-	15
Licensed Premises Gaming Machine Permit	150	100	-	50	100	25	25	15
Notice of Intention to make gaming machines available on premises with a premises alcohol licence. Two or less Category D Gaming Machines				Application for a Permit – New Operator £ 50				

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

The Licensing Department
Castle Point Borough Council
Kiln Road
Benfleet
Essex SS7 1TF
Tel: 01268 - 882416
E-mail: licensingcastlepoint.gov.uk

or alternatively by viewing the Council's Website.

ORDINARY COUNCIL

22ND JULY 2015

Subject: Local Council Tax Support Scheme 2016/17 – Options and Consultation Arrangements

1. Purpose of Report

To present Council with options to be consulted upon in relation to the 2016/17 Local Council Tax Support Scheme.

To highlight to Council, the financial implications associated with the scheme.

2. Links to Council's priorities and objectives

Efficient and Effective Customer Focussed Services

3. Recommendations

That Members note the financial implications included in section 8, and the scheme models at Appendix B, and approve the elements set out in paragraph 6.1 for consultation.

4. Background Information

4.1 The former Council Tax Benefits scheme was replaced by a discretionary, Local Council Tax Support Scheme (LCTSS) in April 2013, following the announcement by Government in the 2010 spending review that support for Council Tax would be localised. At the same time, the level of funding provided by government was reduced nationally by an average of **10%** which translated locally to a reduction of **15%**.

4.2 In December 2012, Council approved the local scheme for Castle Point. The scheme was designed to be cost neutral and based largely on an Essex wide framework developed over the course of the preceding year by Essex Benefit and Finance Officers working together.

4.3 Appendix A sets out the key aspects of the current scheme, as approved by Council in December 2012 for 2013/14. The Castle Point scheme did not change for 2014/15 or 2015/16.

5. Consultation Requirements

- 5.1 It is necessary for the Council to approve future year's schemes before 31st January each year, even if no changes have been made.
- 5.2 Appendix B contains a range of potential scheme models and an indication of the value of cost reductions which each may achieve. Please also refer to the financial implications section of this report.
- 5.3 Before approving the scheme, the Council is required to consult with;
- Major precepting authorities (County, Police, Fire)
 - The public
 - Relevant stakeholder groups e.g. CAB, voluntary bodies
- 5.4 ECC Finance Officers have attended Pan-Essex benefit managers meetings and other related meetings and are therefore considered engaged in this process.
- 5.5 Despite not attending, Essex Police and Fire Authorities have also been invited to these meetings and have received minutes and documents and are therefore considered engaged in this process.
- 5.6 The legal requirement for consultation is a minimum period of at least 6 weeks. All Essex Authorities will undertake consultation during August and September 2015. Castle Point's consultation will take place between 18th August 2015 and 28th September 2015.
- 5.7 At the end of this period responses will be collated and considered, and recommendations will be presented to Cabinet on 18th November 2015 and Full Council on 9th December 2015.

6. Consultation Questions & Format

- 6.1 It is proposed that the consultation will follow an Essex wide format and will include questions on the following matters;
- Whether the Council should continue with a scheme which is, as far as possible, self-funded.
 - Whether, if the Council cannot continue with a self-funded scheme, they should adopt any of the following to help meet the funding gap;
 - increasing the level of Council Tax,
 - using the Council's reserves,
 - reducing funding available for other Council services
 - Which of these options, if the Council cannot continue with a self funded scheme, would stakeholder's most prefer to be adopted in order of preference;
 - increasing the level of Council Tax,
 - using the Council's reserves,
 - reducing funding available for other Council services

- Whether stakeholders agree with the principal of every working age person having to pay a minimum amount towards their Council Tax.
- If stakeholders agree with this principal, whether the minimum amount to pay should;
 - Stay the same (currently 30%)
 - Increase from 30% to 32%
 - Increase from 30% to 35%
- Whether stakeholders agree with the principal that the current savings limit of £6,000 be reduced to £3,000. *(This means that working age people with savings between £3,001 and £6,000 would no longer be entitled to Support)*
- Whether stakeholders agree with the principal of introducing a 'Minimum Income Floor' (in line with Universal Credit rules) for those who are self employed. *(This means that self employed people who declare unaudited earnings below the National Minimum Wage level will have their Support calculated using an assumed earned income of National Minimum Wage x 37 hours per week).*

6.2 Links to the on-line consultation (hosted and developed by ECC) will be published on the CPBC website. Paper consultation forms will also be available at each of the four local libraries. Alternative formats or paper copies of the consultation form will be available on request via First Contact.

6.3 A brief information leaflet summarising the current scheme, funding arrangements, and matters under consultation for 2016/17 will also be published on the CPBC website and in paper format and this will be included with all Council Tax and Benefit documentation issued during the consultation period.

6.4 The consultation will also be publicized via Twitter, the 'Latest News' box on the Council web site, and via text message.

6.5 A Press Release will also be issued to local press.

6.6 Partners from the Benefit Information Network and Local Strategic Partnership groups will be invited and encouraged to take part in the survey and publicize it to their customers.

7. Implications for claimants and the Council

7.1 Any further reduction in the scheme will have a detrimental impact on claimants and further increase difficulties with collection, court action, and bad debts for the Council and pre-cepting authorities. Most households are already required to pay a bill which had previously been offset, either partially or completely by benefit. Collection of Council Tax in 2016/17 will be even more difficult as many Support customers will still be paying off previous years debts through deductions from benefit.

7.2 Given other anticipated Welfare Reforms, a further reduction in Council Tax discount is likely to compound existing financial and/or welfare difficulties

which may in turn result in other negative outcomes including the threat of homelessness and strain on Discretionary Housing Payments.

8. Corporate Implications

a) Financial Implications

Funding

- 8.1 The reduced tax yield arising directly from the council tax support scheme discount is compensated for by a government grant, which is paid to the Council and its preceptors, as part of the annual funding settlement for local government. This is comprised of both revenue support grant (RSG) and redistributed national non domestic rates. The funding is not ring-fenced, meaning that it may be applied for any general fund purpose.
- 8.2 Whilst RSG funding has significantly reduced in recent years (**£700k** in 2014/15 and **£682k** in 2015/16) the Council has maintained the level of funding allocated to the local scheme, at the level originally specified by central government in each year since its introduction. The majority of councils did likewise. However, as RSG continues to be reduced, protection of the local scheme will not be sustainable indefinitely.
- 8.3 The level of funding allocated to the scheme in the first year of operation was **£6.6m**. Funding beyond year one is not separately identifiable within the overall funding settlement. Applying the same level of reductions to the local scheme funding, as seen on combined RSG/Redistributed BR, would equate to a level of funding for each financial year as shown in the “Adjusted Funding” column of the table below.

	Adjusted Funding £000s	Outturn £000s	Projected £000s	Variance £000s
2013/14	6,559	5,798		761
2014/15	5,926	5,282		644
2015/16	5,044		5,144	-100
2016/17	4,501		5,144	-643

- 8.4 As shown in the table above, final scheme costs for 2013/14 and 2014/15 would have been within the adjusted funding level indicated. Based on performance at the end of month 2, the current projected cost for the 2015/16 scheme will exceed the adjusted funding level. Whilst overall caseload and cost has been seen to reduce steadily year on year it is not possible to accurately predict the cost of the scheme beyond 2015/16. However based on past performance, it is clear that some reduction in funding allocated to the scheme is possible, without any detrimental impact.
- 8.5 Whilst the consultation is focussed primarily on options to maintain existing funding, it may be reasonable to reduce the overall funding allocated to the

scheme, without necessitating a change to the scheme parameters unless where technically required to fit with Universal Credit. A reduction in funding to **£5.5m**, allowing a margin for caseload fluctuations, would enable the reallocation of funding from the local scheme, to other general fund services thus reducing the overall budget gap in future years. The impact for each organisation would be as follows:

		CPBC £000s	ECC £000s	EFA £000s	PCC £000s
Current Funding Allocation	6,559	1,031	4,667	285	577
Potential Funding Allocation	5,500	900	3,842	237	520
Potential Funding for Reallocation	1,059	131	825	49	57

- 8.6 The example given above would allow the Council to reallocate **£131k** of government funding from the local scheme to other general fund services, without any detrimental impact on the local scheme.

Scheme performance

- 8.7 The first two years of the local scheme resulted in an under spent position (expenditure to grant) and the respective caseload was seen to slightly reduce, month on month, as each year progressed. The pattern of diminishing caseload has also continued through the first few months of the current financial year.

Collection

- 8.8 On introduction, the scheme resulted in a number of residents receiving full or partial Council Tax bills for the first time and, as expected, some residents have had difficulty in making payment. The Council has seen a reduction in the overall council tax collection rate, and an increase in the number of payment arrangements which extend payment into subsequent financial years.

- 8.9 Financial implications over and above the target cost of the scheme, positive or negative, would be shared with the major pre-cepting organisations.

Council Tax Reserve

- 8.10 The Council has preserved underspends against funding allocated to the scheme in an earmarked reserve.

b) Legal Implications

- 8.11 The Local Government Finance Act 1992 made provision for local authorities to implement a council tax reduction scheme based on financial need criteria and placing responsibility on the billing authority before introducing or implementing changes to their scheme to undertake consultation on the

various options enabling consultees to express meaningful views on the proposals, which need to be considered by the local authority before making a final decision.

c) Human resources/equality/human rights

Resourcing Implications

- 8.12 Universal Credit was rolled out to Castle Point in May 2015. Regardless of the complexity that this has added, any further changes to the local scheme will make the system more complex for customers to understand and for staff to administer, increasing the risk of error and potentially adding extra burdens to customer service staff as enquiries increase. It is therefore desirable to keep changes to the scheme to a minimum in 2016/17 unless where technical alignment with Universal Credit necessitates it.

Equality Impact Assessments

- 8.13 Impact assessments have been undertaken at a high level by DCLG/DWP and are published on their websites.
- 8.14 Stage 1 & 2 Equality Impact Assessments were undertaken as part of the original scheme design and will need to be revisited, after consultation, to inform any proposed changes to the 2016/17 scheme and any potential impact on particular groups of people.

Exceptional hardship policy

- 8.15 The scheme includes a small sum to cover exceptional hardship cases in line with a policy approved by Council in December 2012.
- 8.16 The creation of an Exceptional Hardship Fund meets the Council's obligations under the Equality Act 2010 by recognising the importance of protecting the most vulnerable members in our communities and the impact of the changes imposed by the removal of Council Tax Benefit.
- 8.17 The Policy provides short term help in cases of extreme financial hardship - it is not intended to support a lifestyle or lifestyle choice but to provide financial assistance where applicants are suffering 'hardship beyond that which would normally be suffered'.
- 8.18 Applicants are required to undertake a range of specific actions to improve their long term financial situation, including taking up assistance to manage finances more effectively, minimising Council Tax liability by ensuring all discounts, exemptions, and reductions are correctly claimed, maximising income by taking up other welfare benefits to which they are correctly entitled, and reducing non-essential expenditure.

9. Timescale for implementation and risk factors

The local scheme needs to be finalised and consulted upon by the end of January 2016. The revised scheme must be operational from 1st April 2016.

Key milestones from this point going forward are as follows:

Milestone	Timeframe	Purpose
Council Report	22.7.2015	Approval of options for consultation & confirmation of level of funding
Formal Public/Stakeholder Consultation	Aug – Sept 2015	Pre-cepting organisations & Residents
Report to Cabinet	18.11.2015	Final scheme for consideration
Grant Published	Dec 2015	
Report to Council	9.12.2015	Final scheme for approval
Final Scheme in place	31.01.2016	Adoption and implementation
Schemes in operation	01.04.2016	Operation

Risks are recorded on the Corporate Risk Register and are reviewed on a monthly basis.

Appendix A – Key Aspects of 2015/16 Scheme

Appendix B – Proposed Scheme Models & Savings

Report Author:

Chris Mills – Head of Resources

Edwina Mosuro – Community Support Manager

Key Aspects of 2015/16 Scheme

- 1 The final scheme is intended to be cost neutral meaning that the cost to the Council and each pre-cepting authority will not exceed the funding notified by central government.
- 2 As directed by central government, all pensioners are treated as protected, meaning that the financial impact of changes will fall on working age households only.
- 3 The local scheme is means tested, using many of the principles of the previous Council Tax Benefit scheme, which enables protection for working age vulnerable groups and specific protection for households with children and/or disabilities.
- 4 The scheme incentivises work by disregarding £25 per week of earned income.
- 5 Child Benefit is counted in full as income when calculating entitlement.
- 6 Claims for Local Council Tax Support cannot be back dated.
- 7 As far as possible the scheme allows for expected growth in demand and is easy to claim and administer.
- 8 Second Adult Rebate is not part of the scheme for working age claimants. Second Adult Rebate was available under Council Tax Benefit where a single Council Tax payer had an adult friend or relative on a low income living with them.
- 9 The savings limit is £6,000, meaning that claimants with capital to a value exceeding £6,000 will not be entitled to Local Council Tax Support.
- 10 Non-Dependant deductions are not included in the scheme for working age claimants. Non Dependant deductions were made under Council Tax Benefit where the claimant had another adult, who was not their partner, living in their household.
- 11 In conjunction with the Council's 'Local War Pensioner' scheme, income received in respect of War Pensions for disablement or bereavement are fully disregarded when calculating support.
- 12 Support is capped at Council Tax band D and at 70% of Council Tax liability for working age claimants. This means that all working age Council Tax Payers are required to pay a minimum of 30% of their weekly council tax bill and those living in properties banded E to H will be assessed as though they are living in a Band D property. (% and band are specific to CPBC local scheme).
- 13 There is no entitlement to 'underlying entitlement' when an overpayment occurs.

APPENDIX B

Potential Scheme Models & Savings

The following shows potential scheme models that could be adopted subject to the outcome of the proposed 2016/17 consultation:

- **Option 1** - No Change to 2015/16 Scheme
(Estimated Savings: £23,594)
- **Option 2** – 2015/16 Scheme with support capped at 68% instead of 70%
(Estimated Savings: £75,100)
- **Option 3** – 2015/16 Scheme with support capped at 65% instead of 70%
(Estimated Savings £153,239)
- **Option 4** – 2015/16 Scheme with a Minimum Income Floor introduced for self employed people
(Estimated Savings: £35,000)

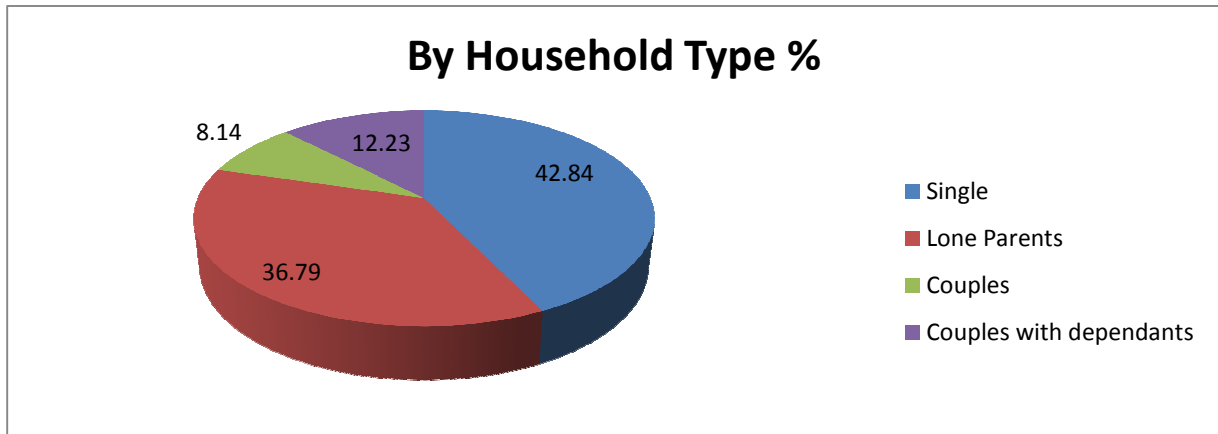
The following table illustrates the minimum financial impact that each Option would have on households receiving maximum support, using 2015/16 Council Tax charges for residents of Canvey Island Parish Council:

Band	2015/16 CT Liability	Currently Paying (Option 1)	Extra to Pay (Option 2)	Extra to Pay (Option 3)	Extra To Pay (Option 4)*
Band A	1053.38	316.01	21.07	52.67	316.01
Band B	1228.94	368.68	24.58	61.44	368.68
Band C	1404.51	421.35	28.09	70.22	421.35
Band D	1580.07	474.02	31.60	79.00	474.02
Band E	1931.20	825.15	31.60	79.00	825.15
Band F	2282.31	1176.26	31.60	79.00	1176.26
Band G	2633.46	1527.41	31.60	79.00	1527.41
Band H	3160.15	2054.10	31.60	79.00	2054.10

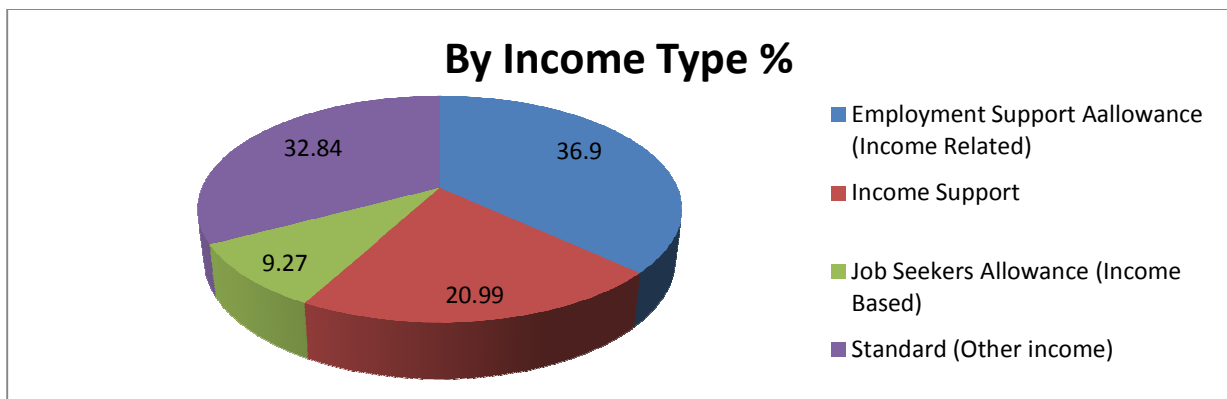
- * NB: Only self employed working age people subject to the Minimum Income Floor rule would be required to pay more under this Option (current caseload = 235).

Caseload Data

The following chart shows the **current working age** Local Council Tax Support caseload broken down by household type:



The following chart shows **current working age** Local Council Tax Support caseload broken down by income type:



The following chart shows the overall current Local Council Tax Support caseload broken down by the number of Pension Age (*prescribed scheme*) and Working Age (*local scheme*) claims.

