



East Cambridgeshire District Council

Meeting: Licensing Committee

Time: 10:00am

Date: Wednesday 19 June

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

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Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan (Vice-Chairman)
Cllr Julia Huffer (Chairman)
Cllr Kelli Pettitt

Conservative substitutes

Cllr Ian Bovingdon
Cllr Bill Hunt
Cllr Alan Sharp

Liberal Democrat members

Cllr Charlotte Cane
Cllr Mark Inskip
Cllr John Trapp (Lead Member)
Cllr Alison Whelan
Cllr Gareth Wilson

Liberal Democrat substitutes

Cllr Chika Akinwale
Cllr Lorna Dupré
Cllr Caroline Shepherd

Lead Officer: Liz Knox, Environmental Services Manager

AGENDA

1. **Apologies and substitutions** [oral]

2. **Declarations of interests** [oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

3. Minutes

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 8 April 2024

4. Chairman's announcements

[oral]

5. Gambling Act 2005 – Policy Consultation

For members to agree a consultation draft of the Council's revised Gambling Act 2005 Statement of Principles for Licensing

6. Business and Planning Act 2020 – Pavement Licensing Policy Update

To update members on the changes made following the Levelling Up and Regeneration Act 2003

7. Senior Licensing Officer's update

[oral]

8. Forward agenda plan

Notes

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The livestream of this meeting will be available on [the committee meeting's webpage](http://www.eastcambs.gov.uk/meetings/licensing-committee-17062024) (www.eastcambs.gov.uk/meetings/licensing-committee-17062024). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
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 - the fire assembly point is in the front staff car park by the exit barrier
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4. Reports are attached for each agenda item unless marked "oral".

5. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



East Cambridgeshire District Council

Minutes of a Meeting of the Licensing Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:00am
on Monday 8 April 2024

Present:

Cllr Christine Ambrose Smith
Cllr Charlotte Cane
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan (Vice-Chairman)
Cllr Julia Huffer (Chairman)
Cllr Mark Inskip
Cllr Alan Sharp (substitute for Cllr Kelli Pettitt)
Cllr John Trapp
Cllr Gareth Wilson

Officers:

Stewart Broome – Senior Licensing Officer
Liz Knox – Environmental Services Manager
Angela Tyrrell – Senior Legal Assistant
Hannah Walker – Trainee Democratic Services Officer

In attendance:

Jess Tobin - ICT Support Officer

24. Apologies and substitutions

Apologies for absence were received from Cllr Kelli Pettitt and Cllr Alison Whelan. Cllr Alan Sharp was attending as a substitute.

25. Declarations of interest

No declarations of interest were made.

26. Minutes

The Committee received the Minutes of the Licensing Committee meeting held on 14 February 2024.

It was resolved unanimously:

That the Minutes of the Licensing Committee meeting held on 14 February 2024 be approved.

27. Chair's announcements

There were no Chair's announcements.

28. Licensing Enforcement Policy

The Committee considered a report, Y189 previously circulated, that contained the updated proposed enforcement policy. The Senior Licensing Officer advised Members that the Council administered and enforced a range of legislation intended to protect public safety, local economies, and the environment from any adverse effects of the provision of licensable activities.

The following list included the relevant legislation to the Council's Licensing Authority:

The Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

The Licensing Act 2003

The Gambling Act 2005

The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018

Scrap Metal Dealers Act 2013

The Senior Licensing Officer explained that many areas that the Licensing Authority oversee had specific policies, some as a result of a statutory requirement placed upon the Council, and others to provide a solid framework to assist all parties including Officers, Members, applicants, licence holders and members of the public.

The Council had an overarching enforcement protocol published in 2014, however the licensing enforcement policy was last updated in 2006 and was therefore in need of review.

The Senior Licensing Officer had drafted an updated and simplified licensing enforcement policy for Members consideration. The new policy covered all the same areas as the 2006 version however Appendix A and B had been removed from the proposed version as they were outdated. Many of the specific policies and guidance documents maintained by the Licensing Authority covered enforcement options that were applicable to the specific type of permission the document relates to. The Senior Licensing Officer added that even when the policy was out of date, there were individual policies that did have enforcement parts within them.

The Senior Licensing Officer concluded that there were no financial implications to the trade or public, a small amount of Officer time would be required to update the website and those costs would come out of the Licensing Department's budget. Members were recommended to adopt the proposed enforcement policy as attached in the Officer's report.

The Chair invited questions to be asked to the Senior Licensing Officer.

A Member queried why there was not a consultation on the proposed enforcement policy in comparison to other local authorities that had. The Senior Licensing Officer confirmed that the enforcement policy would specify how the Licensing Authority would treat people and was fact based, it would be used as a headline policy rather than a specific policy.

A Member asked a further query to request that the legislation referenced within the enforcement policy would reference the actual legislation such as the Equalities Act 2010 and the Data Protection Act 2018. The Senior Licensing Officer confirmed that they would be happy to draw reference to both sets of legislation throughout the enforcement policy.

Another Member asked whether the wording in paragraph 2.24 of the proposed enforcement policy should remove the word 'endeavour' to 'ensure' all parties are treated equally. The Senior Licensing Officer confirmed that the use of word endeavour was used to cover aspects which were out of the Licensing Authority's control. If the wording was changed to 'absolute' it could leave the Licensing Authority open to appeals on matters outside of their control.

A Member asked a further question as to whether the section on Regulation of Investigatory Powers Act 2000 (RIPA) within the proposed enforcement policy was fully compliant with the Council's RIPA policies, and why they were not just referenced in the proposed enforcement policy. The Senior Licensing Officer confirmed that the proposed enforcement policy was checked by the Council's Information and Legal Officers, and after subsequent changes they were happy with the policy. The Senior Licensing Officer acknowledged the risk of having two documents out of sync with each other potentially, however people would look at the specific licensing policy, and they were happy to include a reference to the Council's RIPA and CHIS policy taking precedence.

The Senior Licensing Officer confirmed that Appendix A and B from the Licensing enforcement policy from 2006 was included within the Officer's report on pages 24 and 27.

The Environmental Service Manager clarified to Members that another committee had brought updated enforcement policies which did not go out for consultation.

The Chair opened the debate. The Chair confirmed with Members that the specific legislation would be added throughout the proposed enforcement policy where it was referenced.

It was resolved (unanimously):

That the Enforcement Policy be adopted subject to amending section 2.24 to insert reference to the Equality Act 2010 and section 8.1 to clarify the hierarchy of the Council's RIPA and CHIS policies and to add in reference to the Data Protection legislation.

29. Animal Welfare – Fixed Penalty Notices

The Committee considered a report, Y190 previously circulated, that contained the consideration for the Council's Licensing Authority to use fixed penalty notices as a result of the new powers conveyed by The Animals (Penalty Notices) (England) Regulations 2023, and the accompanying Statutory Guidance which Officers must consider when using those powers.

The Senior Licensing Officer explained that the Animals (Penalty Notices) Act gained Royal Assent and became law in 2022, and as a result of a Government consultation it found that 85% of respondents supported the view that penalty notices could be a proportionate tool to ensure compliance with animal health and welfare regulations. To facilitate the implementation of fixed penalty notices, the Animals (Penalty Notices) (England) Regulations 2023 were introduced, and Statutory Guidance was released in December 2023 by the Department for Environment Food and Rural Affairs (Defra) to provide a framework for enforcement agencies to have regard to when issuing fixed penalty notices.

A Fixed Penalty Notice (FPN) cannot be used for all animal related offences, the 2023 Regulations contain a list of relevant offences that may be disposed of by way of a fixed penalty notice and the list also stated which authority may issue a notice for that offence. The offences listed below were the offences applicable to the Council.

Dangerous Wild Animals Act 1976

- (a) section 2(5) (keeping a dangerous wild animal without a licence) or (6) (contravention of or non-compliance with licence condition);
- (b) section 3(4) (obstructing or delaying inspection by local authority).

Animal Health Act 1981

- Failing to use a collar on a dog in a public place.

Animal Welfare Act 2006

- (a) section 9 (duty of a person responsible for animal to ensure welfare);
- (b) section 11 (transfer of animals by way of sale or prize to persons under 16);
- (c) section 13 (licensing or registration of activities involving animals).

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 7) Failing to provide assistance with taking samples from animals
- 19) Obstruction of an officer
- 20)(a) breaching a licence condition

The maximum fine level that could be imposed was £5,000 or the maximum the accused could be fined if summarily convicted for that offence. The Senior Licensing Officer explained what the FPN must contain in the prescribed information and what Officers should consider on whether to issue an FPN.

FPNs could be withdrawn at any time by the Licensing Authority, and the FPNs cannot be issued unless an Officer was satisfied beyond reasonable doubt that the person or body corporate had committed an offence, and the same evidential and public interest tests required for a prosecution must be met.

Councils were not permitted to prosecute for a failure to pay the FPN within 28 days but must consider whether formal prosecution for the offence was necessary and appropriate in such cases. The Senior Licensing Officer advised that if a FPN was issued the Council did not have powers to make them pay and Officers would need to bear that in mind. There was no right to appeal the issuing of a FPN.

The Senior Licensing Officer explained that the legislation would not require an authority to adopt the provisions of the Act before a FPN could be issued, the FPN would be an option for the person or corporate body to absolve their guilt of an offence without receiving a formal conviction. Officers consider that the use of FPNs could be helpful in dealing with low level infringements. The implementation of FPNs would take time and potential income raised from issuing FPNs would be cost neutral.

The Chair invited questions to be asked to the Senior Licensing Officer.

A Member queried what was the immediate response from the Licensing Authority if a report of animal welfare was received. The Senior Licensing Officer advised that the Licensing Authority had for last 2 years dealt with animal welfare prosecutions, the Animal Welfare Act 2006 allowed a local Authority/Police/RSPCA to respond to a report, if the Licensing Authority became aware of an issue, then they would look to take on and move animals onto better places. By implementing the use of FPNs it would act as another tool for the Licensing Authority, they would look at the reasoning behind an illegal activity or report and assess different avenues to find an appropriate conclusion for the committed offence. The FPN would act as a simple caution administered by the Licensing Authority, and it would not be a recorded offence, but it would add a financial impact to the wrongdoing. Officers would need to be satisfied beyond reasonable doubt that the person or body corporate committed the offence.

Another Member questioned whether the Licensing Authority should inform the public of the Regulations before a FPN was issued. The Senior Licensing Officer advised that each case was dealt with on its own merits, the FPN was a formal action and there would be a measured proportionate response. Guidance would be published on the Council's website to make people aware of the changes and Regulations.

A Member asked whether other authorities such as the Police and RSPCA have powers to issue a FPN as well and could it be referred to the Licensing Authority

to issue a FPN. The Senior Licensing Officer confirmed that the 2023 Regulations listed the relevant offences actioned by way of FPN and who can enforce it which was included in the Officer's report.

In response to a Member question, the Senior Licensing Officer confirmed that a FPN was a criminal offence, however failure to pay was not a criminal matter and not a civil matter either. If a FPN was not paid and another offence was committed a second time, then another FPN would not be appropriate and a different action would be taken.

A Member queried whether a second FPN could be issued but at a higher amount to save time in the Magistrates Court if it went to prosecution. The Senior Licensing Officer explained that all FPNs would be looked at case by case according to culpability and harm criteria. The Senior Licensing Officer added that they could deduct the costs of the investigation which included legal support and the issuing of the FPN. No costs beyond the issuing could be taken into account.

A further question from a Member queried what impact FPNs would have on the workload of the Licensing Authority. The Senior Licensing Officer advised that they did not believe it would have a substantial impact, but there would likely be potentially a small increase in workload. The Environmental Services Manager explained that from a manager's perspective the FPN would act as another tool for the Licensing Authority to deal with issues that arise, every single case would still have a prosecution file put together, and if a FPN was considered it could reduce the workload for Legal support and the Licensing Team.

In response to an additional question the Senior Licensing Officer confirmed that the amount of FPNs issued would be included in the annual fees review report.

A Member questioned how many FPNs would we expect to issue. The Senior Licensing Officer advised that the trades compliance level was very high and there were no issues currently with the existing licensing stock. They did not foresee it being a large number, but an FPN would act as a useful tool.

The Chair opened the debate. Members stated that they could see the benefits of the use of a FPN but stressed the importance of working with the Council's Comms Team to raise public awareness on the Council's website of the changes and 2023 Regulations.

It was resolved (unanimously):

- i. That the contents of the report be noted.
- ii. That officers be authorised to consider the use of fixed penalty notices when determining the appropriate level of enforcement action to be taken against any person/body corporate who they are satisfied has committed a relevant offence.

30. Senior Licensing Officer’s update

The Committee considered a verbal report containing the following updates from the Senior Licensing Officer:

- The Licensing Team were receiving unprecedented amount of work, they had been approached by a number of taxi companies to expand in the East and Southeast working specifically towards in special education needs contract area, they had been looking at options for their licences and to operate fleets in local area, whereby one application was currently being processed.
- Animal welfare sentencing was adjourned until May because there was no District Judge to hand out the sentence, the judgement would be reported to Members.
- The year end financials were submitted to the Finance team on time, all annual reports for gambling act returns, animal welfare returns, and licensing act returns had been provided to the relevant agencies.
- The Appeal against a Sub committee decision to revoke a premises licence for Londis was ongoing, a without prejudice offer was between parties and a consent order before the court to satisfy both parties. Once concluded it would be reported back Members.

A Member queried whether the Cambridgeshire & Peterborough Combined Authority (CPCA) would take on the role of taxi licensing. The Senior Licensing Officer confirmed that the Levelling-up and Regeneration Act 2023 included moving taxi licensing to upper tier councils which would be the CPCA. The LGA had consulted with organisations, and it was unanimous that Councils were against the proposal because it would take away local knowledge amongst other matters. The Senior Licensing Officer reassured Members that work would continue as normal for the foreseeable future.

31. Forward agenda plan

The Chair confirmed that the next Licensing Committee meeting was scheduled for 19 June and the Gambling Act 2005 policy consultation would be brought to the committee.

It was resolved:
That the Forward Agenda Plan’s be noted.

The meeting concluded at 11:06am

Chairman.....

Date.....

**TITLE: GAMBLING ACT 2005 – LICENSING STATEMENT OF PRINCIPLES
(THREE YEAR REVIEW)**

Committee: Licensing Committee

Date: 19 June 2024

Author: Stewart Broome, Senior Licensing Officer

Report number: Z13

Contact officer:

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1.0 Issue

- 1.1 To approve the draft revised version of the Council's Gambling Act 2005 - Statement of Principles for Licensing

2.0 Recommendations

- 2.1 That Members approve the draft version of the Gambling Act 2005 - Statement of Principles for Licensing at **Appendix 1**.
- 2.2 That Members agree to a statutory public consultation taking place on the draft Statement of Principles for Licensing from 8 July 2024 to 19 August 2024 in accordance with the Gambling Act 2005.

3.0 Background/Options

- 3.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under the 2005 Act. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act, and remains in force for a period of three years.
- 3.2 During the three-year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met, or to reflect changes to national legislation.
- 3.3 Before any revisions may be made a formal consultation must take place. The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).
- 3.4 This will be the seventh time the Council has reviewed the Gambling Act 2005 Statement of Principles for Licensing.
- 3.5 The results of the consultation exercise will be brought back to Licensing Committee on 11 September 2024. The decision made by Members of the

Licensing Committee at this hearing will then be referred to Council on 17 October 2024 for approval, to come into force on 31 January 2025. The policy must be published for 28 days prior to its coming into force on 31 January 2025.

- 3.6 The current policy has been in force since 31 January 2022, and it has proved to be very satisfactory at guiding applicants, and officers in the consideration and determination of applications. In 2022, the only changes made to the 2019 statement were made to accommodate the then newly published 5th edition of the Statutory Guidance to Licensing Authorities issued by the Gambling Commission in April 2021, and to reflect organisational contact detail changes that had occurred in the previous three years.
- 3.7 Whilst a substantial 268 page Government “White Paper” was published in April 2023 outlining proposals to improve gambling controls in the UK, the content of this document has not progressed into tangible matters that require amendments to the Gambling Commission’s “Guidance to Local Authorities” document, and therefore, there has been no further updating of this document since April 2021. There have also been no tangible matters requiring amendments to be made to our statement.
- 3.8 White Paper summary (for information purposes)

Proposed Reform of Land-Based Gambling Sector

The government has given land-based gambling operators notice of its intention to introduce a number of new measures by way of regulations to be laid before Parliament. The measures can be summarised as follows:

Casino measures

1968 Act casinos of a certain size will be allowed to have the same gaming machine allowance as Small 2005 Act casinos, subject to the same machine to table ratio of 5:1. A smaller increase in machines will also be permitted for venues that do not meet the size requirements, proportionate to their overall size and non-gambling area. All casinos will be allowed to offer betting, which was previously restricted to 2005 Act casinos.

Gaming machines in arcades and bingo halls

The 80/20 rule will be removed. Instead a 2:1 ratio of Category B to Category C and D gaming machines will be introduced. This measure will apply on a device type basis, meaning that the ratio applies across the 3 different types of device on which gaming machines content is currently offered in arcades and bingo halls, namely cabinets, in-fills and tablets. In practice, this means that 2 Category B gaming machines on a cabinet device type can be made available to a minimum of one Category C or D gaming machine on a cabinet device type. The same applies for in-fills and tablets.

Cashless payments on gaming machines

Direct debit card payments will be allowed to be made on gaming machines, subject to the player protection measures outlined within the government’s consultation response. Key player protections include account verification on

each transaction and a transaction limit of £100. The Gambling Commission will also consult on a number of player protection measures that may be included in their Gaming Machine Technical Standards to ensure that appropriate frictions are in place when direct debit card payments are used.

Introduction of an age limit on ‘cash-out’ Category D slot-style machines

An age limit of 18 and over for the use of ‘cash-out’ Category D slot-style gaming machines will be introduced. To ensure that this is enforced the government will make it a criminal offence to invite, cause or permit someone under the age of 18 to use these machines. It is also proposed that industry fund, conduct, and report on the outcomes of voluntary test purchasing to DCMS. It will not be a requirement that ‘cash-out’ Category D slot-style machines be moved to age-restricted areas

Review of licensing authority fees

The maximum premises licence fees which can be charged by local authorities will be increased by 15%. This fee enables licensing authorities to fund their enforcement and administrative gambling duties on a cost recovery basis.

Further information concerning the proposed measures can be found on the GOV.UK website at:

<https://www.gov.uk/government/consultations/measures-relating-to-the-land-based-gambling-sector/outcome/government-response-to-measures-relating-to-the-land-based-gambling-sector>

4.0 Arguments/Conclusions

- 4.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of Principles for Licensing that they propose to apply in exercising their functions under the 2005 Act during the three-year period to which the policy statement applies.
- 4.2 Regulations and the Statutory Guidance to Licensing Authorities, issued by the Gambling Commission specifies the scope and content of the Statement of Principles for Licensing.
- 4.3 The attached draft Statement of Principles for Licensing at **Appendix 1** is in line with these requirements.
- 4.4 Failure to approve a revised policy before 31 January 2025 will result in the inability to determine applications under the 2005 Act until such time as a policy is approved and published.
- 4.5 Officers do not consider it necessary to make any amendments to the statement at this time, other than to remove capitalised headings in order to comply with accessibility standards, update the figure relating to the population of the District, and to replace date references to the reflect the correct dates; these are shown as tracked changes in **Appendix 1**. Should comments be received from those the legislation requires us to consult with, these will come back to Members for their consideration on 11 September 2024.

- 4.6 Should recommendations and proposals contained in the white paper progress into law/policy change that impacts the rules enforced by the Licensing Authority, it is possible to review any statement in force at that time to incorporate the changes.

5.0 Additional Implications Assessment

- 5.1 In the table below, please put Yes or No in each box:

Financial Implications	Legal Implications	Human Resources (HR) Implications
Yes	Yes	No
Equality Impact Assessment (EIA)	Carbon Impact Assessment (CIA)	Data Protection Impact Assessment (DPIA)
Yes	No	No

Financial and legal implications

- 5.2 There is a cost incurred by the Council due to the costs of convening the necessary hearings to determine this statutory process, and the cost of running the necessary consultation, however, this cost is largely recovered via the licence fees paid by those holding and applying for licences.
- 5.3 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 5.4 Further to paragraph 5.3, an Equality Impact Assessment has been completed, and there are no identified impacts created by the recommendations in this report.

6.0 Appendices

- 6.1 Appendix 1 – Draft 2025 Statement of Principles of Gambling

7.0 Background documents

Gambling Act 2005

5th Edition: Gambling Commission Statutory Guidance for Licensing Authorities

Gambling Act 2005 – Government White Paper – April 2023



East Cambridgeshire District Council

Gambling Act 2005 ~~AMBLING ACT 2005~~

Statement of Principles ~~TATEMENT OF PRINCIPLES~~



Agenda item 5 – appendix 1

Published: tbc
Effective: tbc
Version number: 7
Date of expiry: 30 January 2028

Foreword~~OREWORD~~

This is the ~~seventh~~^{sixth} Statement of Principles produced by East Cambridgeshire District Council under the Gambling Act 2005 and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31 January 202~~5~~².

The Gambling Act 2005 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.

The Statement of Principles sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district 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.

The Statement of Principles will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

Summary of 7~~6~~⁶th Revision

The matters dealt with by this revision are as follows:

- ~~1) Updated population figure for the District~~~~Amendment of paragraph 16.17 to reflect Social~~
- ~~2) Dates changed throughout the document to reflect the period this statement version will cover.~~
- ~~3) Removal of capitalisation of headings where possible/ appropriate to conform with accessibility requirements.~~
- ~~2) Responsibility Code Provision 3.5.6 regarding self exclusion schemes in Local Risk Assessments~~
- ~~3) Paragraph on premises inspections inserted as paragraph 13.6~~
- ~~4) Definition of a track inserted as paragraph 24.1~~
- ~~5) Definition of a day added to paragraph 32.3 regarding OUNS~~
- ~~6) Updated organisational contact details in Annex B~~

The list of those consulted can be found on page 27.

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Agenda item 5 – appendix 1

Part AART-A

1.0 INTRODUCTIONIntroduction

1.1 This Statement of Principles sets out the principles East Cambridgeshire District 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 licensed premises for gambling under the Act, as well as:

- designating the body responsible for advising the Licensing 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.

2.2 The Licensing Authority notes that the Gambling Commission has stated that 'the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

2.3 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) requires gambling premises to undertake a local risk assessment taking into consideration the local information. More information can be found on page 13 starting at section 16.12.

3.0 Description of the District

3.1 East Cambridgeshire District Council is one of five district authorities and one unitary authority that make up the County of Cambridgeshire. It has a population of approximately 874,700 (mid 2012 est.) and covers an area of almost 65,500 hectares. The district is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East. The district has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. Close to Cambridge, the district enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

Map of East Cambridgeshire District.



4.0 Responsibilities under the Act

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- 4.1 The Act introduced a licensing regime for commercial gambling to be conducted by the Gambling Commission and by licensing authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each district or borough council as the licensing authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. East Cambridgeshire District Council is the Licensing Authority for the East Cambridgeshire District.
- 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

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- 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. It is also 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 Principles.

4.6 Before the Licensing Authority can determine an application for a premises licence, an operating and personal licence, or both, must have been obtained from the Gambling Commission.

5.0 Statement of Principles

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

5.2 In this document this is referred to as 'the Statement'. This Statement must be reviewed and published every three years. The Statement must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Statement must then be published.

5.3 This Statement of Principles takes effect on 31 January 2025~~2~~.

6.0 Consultation

6.1 In producing this Statement, the Licensing Authority consulted widely before finalising and publishing it. ~~In~~ addition to the statutory consultees (listed below), the Licensing Authority chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex A.

6.2 The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; 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;
- Social Services;
- Other tiers of local government;
- Businesses who are holders of GA05 premises licences;
- Responsible authorities under the Act.

6.4 The Licensing Authority's consultation took place between ~~24 June 2024~~~~30 July 2021~~ and ~~510 July-September 2 2024~~~~021~~.

7.0 Approval of Statement of Principles

7.1 This Statement was approved at a meeting of the full Council on ~~16c21 October 2024~~ and was published via its website. Copies are available on request.

7.2 It should be noted that this Statement 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 statutory requirements of the Gambling Act 2005.

8.0 Declaration

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8.1 In this Statement the Licensing Authority declares that it has had regard to the licensing objectives of the Act, formal Guidance issued to licensing authorities by the Gambling Commission 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 Impacts Needs Assessment Scheme.

8.3 Any information and guidance contained within this Statement of Principles is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005 or the Guidance or Regulations issued under the Act.

9.0 Responsible Authorities

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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 by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body 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 Cambridgeshire Local Safeguarding Children Board, for this purpose.

10.0 Interested Parties

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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 an application for or in respect of a premises licence 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** Licensing authorities are required by Regulations to state the principles they will apply in exercising their powers under the Act to determine if a person is an interested party. The principles are:
- Each case will be decided upon its own merits. This Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission Guidance to Licensing Authorities.
 - The Licensing Authority will also consider the Gambling Commission Guidance that 'business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 10.3** Interested parties can be persons who are democratically elected, such as district 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, parish councils likely to be affected will be considered to be interested parties.
- 10.4** District Councillors who are members of the Licensing Committee will not qualify to act in this way.
- 10.5** Other than those parties listed in 10.3, this authority will generally require written evidence that a person or body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.
- 10.6** The Licensing Authority considers that trade associations, trade unions and residents' and tenants' associations qualify as interested parties where they can demonstrate that they represent persons in 10.1 (a) or (b) above.
- 10.7** 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:
- Provisions of the Gambling Act 2005, which include the provision that the Data Protection Act 1998 will not be contravened;
 - Guidance issued by the Gambling Commission;
 - Data Protection Act 1998;
 - General Data Protection Regulation (GDPR) will be observed
 - Human Rights Act 1998;

- Freedom of Information Act 2000;
 - Environmental Information Regulations 2004;
 - 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, which will 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 review 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, based on:
- the licensing objectives
 - relevant codes of practice
 - guidance issued by the Gambling Commission, in particular at Part 36 of the Act;
 - the principles set out in this statement of principles.
- 13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions it authorises.
- 13.4** The Gambling Commission is the enforcement body for operating and personal licences. Concerns about the manufacturer, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.
- 13.5** 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.

13.6 The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken. Where the Licensing Authority considers a multi-agency approach may be beneficial, it will contact the Commission in the first instance to agree if this is appropriate, this also includes any planned test purchase operations, to ensure that these do not conflict with any other ongoing investigations.

14.0 Licensing Authority functions

14.1 Licensing authorities are required under the Act to:

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

14.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

14.3 It should be noted that licensing authorities are not involved in spread betting activities, which are regulated by the Financial Conduct Authority.

Part B
Premises Licences: Consideration of applications

15.0 Delegation of powers

15.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found at Annex C.

16.0 General principles

16.1 Premises licences are subject to the requirements set out in the Act, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude or amend default conditions and also attach others, where it is considered appropriate.

16.2 Decision making

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the user of premises for gambling in so far as it considers it is:

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

16.3 The Licensing Authority is aware that in accordance with Gambling Commission Guidance to Licensing Authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences', except as regards any 'no casino resolution'.

16.4 Definition of premises

The Act defines 'premises' as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building could be reasonably regarded as being different premises. 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.

16.5 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).

16.6 The Licensing Authority takes note of the Gambling Commission's Guidance to licensing authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and is aware that:

- the third licensing objective seeks to protect children from being harmed by gambling, which in practice means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
 - customers should be able to participate in the activity named on the premises licence.
- 16.7** The Licensing Authority is aware that Gambling Commission Guidance provides relevant access provisions for each premises type and suggests a list of factors to be considered during the application process. The Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 16.8 Premises ready for gambling**
An application can only be made where the applicant holds an operating licence with the Gambling Commission, or has a pending operating licence application with the Gambling Commission for the premises licence type they wish to submit to the Licensing Authority and they also have a legal right to occupy the premises they wish to licence. If the applicant does not yet have a right to occupy their chosen premises, and/or the premises is under construction, an applicant may wish to apply for a provision statement instead to judge whether a development is worth taking forward (see section 17).
- 16.9 Plans**
Regulations state that plans must show the location and extent of any part of the premises used for gambling. Applicants will be expected to provide plans which are sufficiently detailed to enable the Licensing Authority to determine it will be compliant with the s153 principles of the Gambling Act 2005.
- 16.10** Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 16.11 Demand**
Demand is a commercial consideration and is not an issue for the Licensing Authority.
- 16.12 Location**
The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 16.13** With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:
- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;
 - the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
 - the size of the premises and the nature of the activities taking place;
 - any levels of organised crime in the area.
- 16.14** The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives, if an application is to be refused. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

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

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

16.16 The council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

16.17 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected, and in the case of all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must include a self-exclusion scheme. The Licensing Authority would consider it desirable to have a self-exclusion scheme where one is not formally required.

16.18 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

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

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

16.21 Duplication with other regulatory regimes

The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its

consideration of it. It will though, listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

16.22 When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

16.23 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, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

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

The Gambling Commission does not generally expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way. 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 such circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

The Licensing Authority will consider this licensing objective on a case by case basis to determine if specific measures are required at particular premises including tracks.

- **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.

The Licensing Authority will consider if specific measures are required at particular premises with regard to this licensing objective.

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.

The Licensing Authority will consider this licensing objective on a case by case basis.

16.24 Conditions

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

16.25 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;
- necessary to promote the licensing objectives;
- 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.

16.26 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, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

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

16.27 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

16.28 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with Guidance issued by the Gambling Commission, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

16.29 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.

16.30 It is noted that there are conditions that 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, except fees for admission to a track.

16.31 Door supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by door supervisors and is entitled to impose a premises licence condition to this effect.

16.32 Where it is decided that supervision of entrances/machines is appropriate for particular cases, the Licensing Authority will consider if the door supervisors are required to be SIA licensed or not. The Licensing Authority will not automatically assume that all door supervisors need to be SIA licensed, as it is aware that the statutory requirements for door supervision for different types of premises vary.

16.33 Credit

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

16.34 Betting machines

The Licensing Authority will, in line with Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

16.35 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.

16.36 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.

16.37 Nothing contained in paragraphs 16.34 to 16.36 is intended to override the provisions of section 172 of the Gambling Act 2005 to provide gaming machines under the authority of a Premises Licence.

17.0 Provisional statements

17.1 Developers may wish to apply to the Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 17.3** The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 17.4** In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5** The holder of a provisional statement may then apply for a premises licence once the premises is constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage; or
 - they reflect a change in the applicant's circumstances.
- 17.6** In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by representations at the provisional statement application stage;
 - which in the Authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.
- 18.0** **Representations and reviews**
- 18.1** Representations and applications for a review of a premises licence may be made by responsible authorities and interested parties.
- 18.2** 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 Licensing Authority has designated the Council's Head of Legal Services as being the proper person to act on its behalf.
- 18.3** 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 Licensing 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.

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

19.0 Adult gaming centres

19.1 Entry to an adult gaming centre is age restricted to persons aged 18 years and over.

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

20.0 (Licensed) Family entertainment centres

20.1 Entry to a (licensed) family entertainment centre is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

20.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

21.0 Casinos

21.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

21.2 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 wishing to run a casino. In such situations the Licensing Authority 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.

21.3 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 will 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.

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

21.5 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.

22.0 Bingo Premises

22.1 Entry to a bingo premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

22.3 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.

23.0 Betting premises

23.1 Entry to a premises where betting takes place other than at a track, previously known as a licensed betting shop, is age restricted.

23.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

24.0 Tracks

24.1 S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Licensing Authority considers the mention of 'other sporting event' should be interpreted widely, and could therefore, include for example football, cricket, or golf.

24.2 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

24.3 In line with Guidance issued by the Gambling Commission, the Licensing Authority will especially consider the impact upon the third licensing objective, the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

24.4 The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

24.5 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, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

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

24.6 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement for four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded.

24.7 Betting machines

The Licensing Authority will, in line with Part 6 of the Gambling Commission Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

25.0 Travelling fairs

25.1 The Licensing Authority is responsible for deciding whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, and that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

25.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses the East Cambridgeshire district boundaries is monitored so that the statutory limits are not exceeded.

Part ~~A~~ C
Permits/~~T~~emporary or
Occasional use notices/~~R~~egistrations

26.0 General

26.1 Forms, method of application, definitions and any additional information required for permits covered by this section are available as separate guidance and information documents.

27.0 Unlicensed family entertainment centre gaming machine permits

27.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it 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.

27.2 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 Disclosure and Barring (DBS) 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.

28.0 Gaming machine permits in alcohol licensed premises

28.1 There is provision in the Act for premises licensed to sell alcohol under part 3 of the Licensing Act 2003 for consumption on the premises to automatically have two gaming machines of categories C and/or D. To use this entitlement the premises licence holder needs to give notice to the Licensing Authority of the intention to make gaming machines available for use and pay the prescribed fee.

28.2 Gaming machines can be located on premises for which a licence for the sale by retail of alcohol or supply of alcoholic liquor for consumption on the premises has been issued. Such premises must have a bar for serving customers.

28.3 Premises restricted to selling alcohol on the premises only with food have no entitlement for the provision of gaming machines on the premises.

28.4 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act;
- the premises are mainly used for gaming; or

- an offence under the Act has been committed on the premises.

28.5 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 Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the gaming machines. Measures will cover such issues as:

- gaming machines being in sight of the bar;
- gaming 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 provision of information, leaflets/help line numbers for organisations such as Gamcare.

28.6 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.

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

29.0 Perize gaming permits

29.1 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 Disclosure and Barring (DBS) 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.

29.2 In making its decision on an application for a permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

30.0 Club gaming and club machine permits

30.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.

30.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

30.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

30.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

30.5 The council may only refuse an application on the grounds that:

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

30.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming,
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming;
or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

31.0 Temporary Use Notices~~EMPORARY USE NOTICES (TUNStuns)~~

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

- Licensing Authority;
- Gambling Commission;
- Cambridgeshire Constabulary;
- 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 areas).

31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. TUNs can only be issued for equal chance gaming.

31.3 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 in any 12 month period by giving a notice in respect of different parts.

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

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

32.0 **Occasional Use Notices (OUNs)**

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32.1 Occasional Use Notices (OUNs) apply only to tracks. Tracks need not be a permanent fixture.

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

32.3 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that a statutory limit of eight (8) days in a calendar year is not exceeded. A day is defined as midnight to midnight, and not simply 24 hours across 2 days. A separate OUN is required for each day.

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

32.5 The person designated to receive and validate OUNs is the Environmental Services Manager. A copy of the OUN must be served on the Chief Officer of Police for the district for which the OUN has been served.

33.0 **Small society lotteries**

33.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

33.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

33.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in East Cambridgeshire District Council and want to run such lottery.

33.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

33.5 To be 'non-commercial' a society must be established and conducted:

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

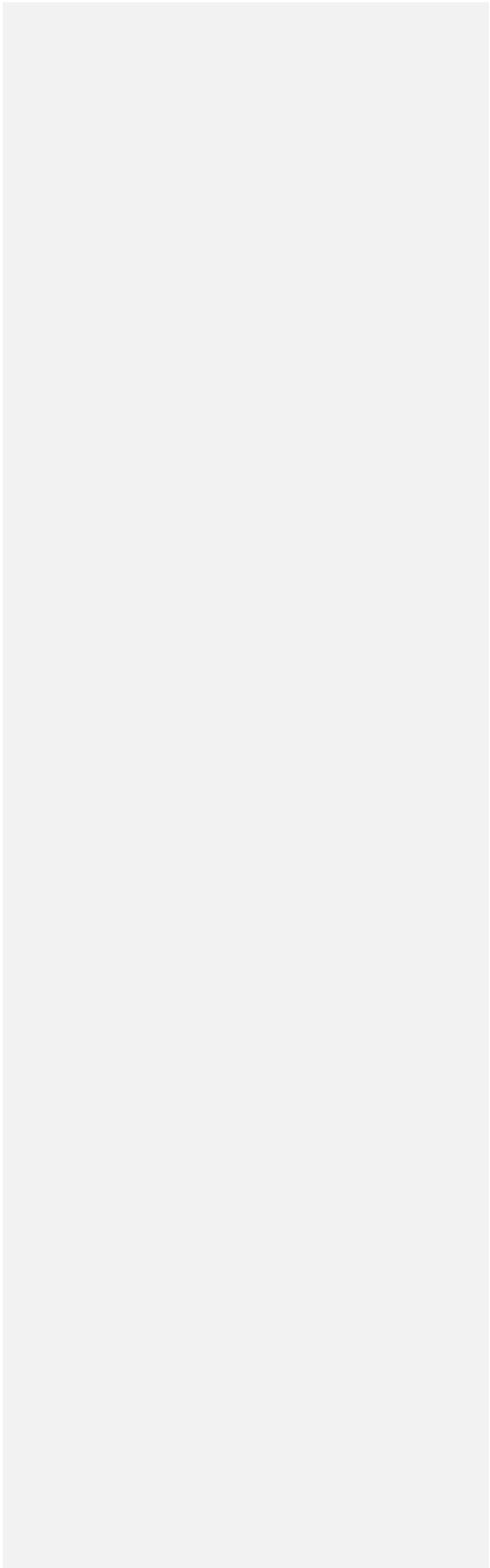
33.6 The other types of exempt lotteries are 'incidental lotteries' (formally known as incidental non-commercial lotteries), 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries, please visit the licensing pages at www.eastcambs.gov.uk.

33.7 The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993. A small society lottery requires registration with the Licensing Authority.

34.0 **Useful contacts**

The Gambling Commission maintains a list of useful contacts of organisations involved in gambling, some of which provide codes of practice on their particular interest area. Their contact details can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

Agenda item 5 – appendix 1



List of consultees – Annex A

Cambridgeshire Constabulary

Cambridgeshire Fire and Rescue Service

Cambridgeshire Local Safeguarding Children Board

Primary care trust

East Cambridgeshire Community Safety Partnership

East Cambridgeshire District Council Environmental Health (Domestic)

East Cambridgeshire District Council Health and Safety Authority

East Cambridgeshire District Council Planning Authority

Gambling Commission

HM Revenue and Customs

Parish, town councils

District councillors

Members of the general public

National bodies representing the gambling and licensed trade

ECDC Premises Licence holders

Local support, faith, and help groups and organisations

Responsible authorities – Annex B

ORGANISATION	CONTACT AND ADDRESS
Cambridgeshire Constabulary	Licensing Section Chief of Police (Licensing) Cambridgeshire Constabulary Parkside Police Station Parkside Cambridge CB1 1JG Tel: 101 Email: licensing@cambs.pnn.police.uk
Cambridgeshire Fire and Rescue Service	Cambridge Fire & Rescue Service Cambridge Fire Station Parkside Cambridge Tel: 01223 376201 Email: danny.hans@cambsfire.gov.uk
Local Safeguarding Children Board	Email: Safeguardingboards@cambridgeshire.gov.uk
Planning Authority	Principal Development Control Officer Development Control The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: plservices@eastcambs.gov.uk
Environmental Health Domestic Section	Senior Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: domlicenconsult@eastcambs.gov.uk
Environmental Health Health & Safety	Senior Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: foodandsafety@eastcambs.gov.uk
HM Revenue & Customs	HM Revenue & Customs 12 th Floor Alexander House Victoria Avenue Southend-on-Sea Essex SS9 1BD
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Email: info@gamblingcommission.gov.uk

Agenda item 5 – appendix 1

Table of delegations of licensing functions – Annex C

Matter to be dealt with	Full council	Sub-committee	Officers
Three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
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		X	
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		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

Agenda item 5 – appendix 1

TITLE: BUSINESS AND PLANNING ACT 2020 – PAVEMENT LICENSING POLICY UPDATE

Committee: Licensing Committee

Date: 19 June 2024

Author: Stewart Broome, Senior Licensing Officer

Report number: Z14

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1.0 Issue

- 1.1 To note the amendments made under delegated authority to the Pavement Licensing Policy in order to reflect the new permanent pavement licensing scheme introduced by the Levelling-Up and Regeneration Act 2023, and to note the level of fees set under delegated powers.

2.0 Recommendations

- 2.1 That Members note the amendments made under delegated powers to the Pavement Licensing Policy.
- 2.2 That Members note the amendments made under delegated powers to the level of fee to be charged for a new and a renewal pavement licence application.

3.0 Background/Options

- 3.1 During the Covid-19 pandemic the Government introduced a temporary pavement licensing scheme via the Business and Planning Act 2020, to be administered and enforced by District and Borough Councils. In 2023, the Government made this scheme permanent via the Levelling-Up and Regeneration Act 2023, however, this new permanent scheme required secondary legislation in order to come into force.
- 3.2 The secondary legislation required to commence the new provisions was delayed, and when it was finally laid before Parliament it left a very short time between the announcement of the new laws coming into force and the actual commencement date of the new laws, which was the 1 April 2024. Due to this it was necessary to use delegated authority to ensure that officers could continue to accept and process applications, maintain licences and enforce when necessary.

4.0 Arguments/Conclusions

- 4.1 The new permanent scheme largely reflected the temporary scheme with the following amendments:
 - The consultation period increased from seven to fourteen days

- The application determination period increased from seven to fourteen days
- Fees were increased to the statutory caps of £500 for new applications and £350 for renewal applications
- Licence durations were increased to a term of up to two years, with two years being the default, unless there are good reasons to issue for a shorter period.
- The key end date of all permissions (30 September) has been abolished
- New enforcement powers to remove unauthorised furniture and charge for the storage of such furniture
- Better powers to vary and revoke permissions for breaching conditions

4.2 Officers set the fee level at the statutory maximums of £500 and £350, as previous work on fee setting had shown the £100 capped fee set by Government in 2020 was not sufficient to cover the costs of administering and enforcing the regulations.

4.3 The new licences last for two years, as opposed to one year under the temporary scheme, and so it is necessary to consider the initial processing and vetting costs, plus the maintenance costs of administering the regime throughout the extended two-year period that the licence remains valid. This maintenance element takes into account time spent on enquiries, complaints, visits etc, as well as helping to cover other departmental overheads that all licence holder fees contribute towards. It is estimated at this time that the true two-year cost recovery figure will be in the region of other two-year fees charged by the Licensing Authority at £642 for a new application and £598 for renewal applications.

4.4 A full evaluation of all licensing fees occurs every year in September or October, and officers will further review the pavement fees at this time to ensure that they remain at cost recovery levels.

4.5 On top of the sixteen existing current pavement licences we maintain that were issued under the temporary scheme and will be moved onto the permanent scheme in September 2024, we have received a further two applications since the 1 April 2024.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications	Legal Implications	Human Resources (HR) Implications
Yes	Yes	No
Equality Impact Assessment (EIA)	Carbon Impact Assessment (CIA)	Data Protection Impact Assessment (DPIA)
Yes	No	No

Financial and legal implications

5.2 The new regulations enable the Council to charge higher fees for the pavement licences it issues, and the decision has been made to increase the fees to the maximum level permitted. This will mean that a new application is £400 higher,

and a renewal is £250 higher, however, this is offset marginally by the fact the new permissions will last for two years and not the one year previously available.

5.3 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.4 Further to paragraph 5.3, an Equality Impact Assessment has been completed, and there are no identified impacts created by the recommendations in this report.

6.0 Appendices

6.1 Appendix 1 – Current policy approved under delegated powers (with tracked changes for Members information)

7.0 Background documents

Business and Planning Act 2020



East Cambridgeshire District Council

Business and Planning Act 2020

Pavement Licensing Policy



Effective: 22 July 2020

Amended: 1 Sept 2021 – End date of provisions amended to reflect SI 2021/866
[Amended: 1 April 2024 – Amendments made to reflect the impact of the Levelling-Up and Regeneration Act 2023](#)

[Agenda](#)

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Agenda Item 6 – Appendix 1

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Appendix 2	Standard Pavement Licence Conditions	11
Appendix 3	National Conditions	14

1. Introduction

~~The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.~~

~~As the economy started to re-open, the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.~~

~~The Business and Planning Act 2020 makes it easier for premises serving food and drink such as bars, restaurants, cafes, and pubs, (as lockdown restrictions are lifted but social distancing guidelines remain in place) to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.~~

~~The measures included in the Act modify provisions in the Licensing Act 2003 to automatically allow on-licensed premises to allow off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2022.~~

~~The Act also introduces a temporary fast-track process for food and drink businesses to obtain permission, in the form of a "pavement licence", from East Cambs District Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.~~

~~Currently, tables and chairs permissions are granted as Pavement licences by Cambridgeshire County Council Highways Authority, under Part 7A of the Highways Act 1980. The fee varies depending upon the size of the licensed area, and there is a time consuming 28 day consultation period.~~

~~The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding to their financial recovery.~~

~~The Business and Planning Act 2020 (BPA 2020) introduced a temporary scheme to make it easier for premises serving food and drink such as bars, restaurants, cafes, and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing during the Covid 19 pandemic.~~

~~Prior to the BPA 2020, such permissions were granted by Cambridgeshire County Council Highways Authority, under Part 7A of the Highways Act 1980.~~

~~On the 1 April 2024 the BPA 2020 was amended by the Levelling-Up and Regeneration Act 2023, and the temporary provisions were altered and made permanent.~~

~~The following sections reflect the new requirements from the 1 April 2024.~~

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been

granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours, [including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.](#)

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

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2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.4 Type of furniture permitted

The furniture which may be used can include:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating;
- umbrellas, barriers, heaters, and
- other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form – online or via email
- the required fee paid online, or by credit or debit card over the phone
- Site plan to a suitable scale showing:
 - property boundary and proposed boundary of area to be covered by the pavement licence (with a red line to indicate the area to be licensed)
 - building and kerb lines
 - furniture layout
 - points of access and egress
 - position of any lighting columns, litter bins, road signs or other existing street furniture
 - measures to comply with national smoke free seating condition
- evidence of the right to occupy the premises e.g. the lease;

- photos or pictures showing the proposed type of furniture
- photo evidence that the notice of the application is being displayed in accordance with section 2(5). (if applicable) reference of existing pavement licence currently under consideration by the local authority;

3.2 Fees

[The fee for applying for a licence under the new process are set locally, but are subject to a statutory cap of £500 for new applications and £350 for renewal applications. The Council has determined that the fee for applications will be set at the statutory maximums, as this figure is below the true cost of administering and enforcing the legislation.](#)

~~The fee for applying for a licence under the new process are set locally, but are capped at £100. The Council has determined that the fee for applications will be £100.~~

3.3 Consultation

Applications are consulted upon for 147 days, starting with the day after the day on which a valid application was made to the Council.

All applications will be displayed on the public access area of the Council's website.

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects from the application the Council will consult with:

- Cambridgeshire Police
- Cambridgeshire Fire and Rescue

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation

- period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.
 - the needs of disabled people, and
 - the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.”

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has ~~28~~44 days from the day after the application is made (excluding public holidays) to consult on, and determine the application. This consists of ~~14~~7 days for public consultation, and then ~~14~~7 days to consider and determine the application after the consultation ends.

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- impose specific conditions, over and above the standard published

- conditions,
- refuse the application.

If the local authority does not determine the application within the ~~2814~~ working-day period, the application will be deemed to have been granted.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard published conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Licences between 09:00 and 21:00.

Applications outside these hours will be assessed in terms of the criteria detailed above.

The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

~~If the Council determines an application before the end of the determination period (which is 14 days, beginning with the first day after the public consultation period, excluding public holidays) East Cambridgeshire District Council has agreed that all licences granted by them will expire two years after the grant date, unless revoked, or surrendered.~~

~~If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two years from the 29th day, as required by the Act.~~

~~If the Council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the public consultation period, excluding public holidays) East Cambridgeshire District Council has agreed that all licences granted by them will expire on the 30 September 2022, unless revoked, or surrendered.~~

~~If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year, or until 30 September 2022 if sooner, as required by the Act.~~

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke free seating condition

The Council's published conditions make provision for these conditions.

The national conditions are shown in Appendix 3 for transparency.

The Act also allows for the Secretary of State to produce via regulations conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this policy will be amended to reflect them, and all licence holders will be notified of any changes this may create.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police. [However, the BPA 2020 has been amended to permit a Licensing Authority to remove and store any unlicensed furniture from the highway and recover the costs of this removal and storage from the responsible person. The BPA 2020 also permits an authority to sell or otherwise dispose of the furniture after 3 months if matters are not resolved.](#)

Obtaining a Licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Social distancing controls. Applicants must comply with all relevant legislation.

If a condition imposed on a licence (either by the [local authority Council](#) or [nationally](#)) ~~via a National Condition~~ is breached the Council will be able to issue a notice requiring the breach to be remedied [If the licence-holder fails to do so, the local authority may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing. Local authorities are encouraged to regularly review licences and enforce any breaches.](#)

[The authority may revoke a licence, or amend it with the consent of the licence holder, in](#)

the following circumstances:

(i) The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

or:

(ii) If there is evidence that:

- there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
- this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or
- the use is causing, or risks causing, anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.

The local authority may revoke a licence in the following circumstances:

1. For a breach of condition, (whether a remediation notice has been issued or not) or
2. It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
3. The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period.

~~and the authority can take action to cover any costs.~~

The authority may revoke a licence in the following circumstances:

~~For breach of condition, (whether or not a remediation notice has been issued) or Where:~~

~~There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together; the highway is being obstructed (other than by anything permitted by the licence); there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up; it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or~~

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~~the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.~~

~~The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.~~

6. Review Procedures

~~This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act 2020 which are scheduled to expire on 30 September 2022.~~

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licences generally, ~~relevant social distancing measures~~ or as a result of local considerations within the East Cambridgeshire District.

BUSINESS AND PLANNING ACT 2020

**NOTICE OF APPLICATION FOR A
PAVEMENT LICENCE**

We **Applicant Name** do hereby give notice that on **DD/MM/YYYY** we have applied to East Cambs District Council for a 'Pavement Licence' at:

Address
Address
Address
Postcode

-

known as: **Trading Name**

The application is for:

Both the sale or service and consumption of food and drink*

The sale or service of food and drink*

The consumption of food and drink*

***Delete as applicable**

Any person wishing to make representations to this application may do so by writing to: **licensing@eastcambs.gov.uk**

Consultation deadline: **DD/MM/YYYY**

The application and information submitted with it can be viewed on the Council's website: **www.eastcambs.gov.uk**

Notice dated: **DD/MM/YYYY**

[Section x] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* I/We have applied to East Cambridgeshire District Council for a 'Pavement Licence' at:

(postal address of premises)

known as

(name premises known by)

The application is for:

(brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink))

Any person wishing to make representations to this application may do so by email to:

licensing@eastcambs.gov.uk

by: *(last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays))*

The application and information submitted with it can be viewed on the Council's website at www.eastcambs.gov.uk

Notice Dated *(date the notice was placed which must be the same date as the date of application)*

Appendix 2 - Standard Conditions for Pavement Licences (applicable to both deemed and granted licences)

1. The Licence Holder shall ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's "Inclusive Mobility" document in force at the time this licence is granted, and the licence is granted subject to those requirements.
 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf
3. The Licence Holder shall comply with all requirements of the government's response to the Covid 19 pandemic at all times whilst licensed, and will abide by any requirements stipulated by the Council in this regard. This shall include, but is not restricted to, ensuring social distancing is observed, and track and trace details of customers and visitors to the facility are taken and kept for the required 21 day period.
4. The Licence Holder shall ensure that where no specific condition has been added to their licence relating to smoking (including vaping) within the licensed area, the national smoke-free seating condition is observed, as follows, where seating is placed on the relevant highway for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating to be available where smoking is not permitted.
5. Furniture placed on the pavement after the granting of a licence must be in accordance with the details and plans provided at the time of the application. No changes are permitted without prior approval from the Council.
6. Any furniture shall be kept in a clean, safe and well maintained condition. Any canopies or umbrellas must be adequately secured.
7. The licence holder must not place any furniture in the licensed area more than 30 minutes before the hours as specified on this licence, and must remove all furniture either at the end of the trading day, or within 30 minutes of the end of the hours as

specified on this licence, whichever is the earliest. When not in use, all furniture must be stored securely inside a premises away from the highway.

Where no formal licence exists due to the applicant obtaining tacit permission, furniture must not be set out on the highway before 8:30am for a 9:00am trading start, and the area must be closed by 9pm with all furniture removed from the highway by 9:30pm.

8. If the furniture is (a) not removed outside the permitted hours or (b) located in breach of the licence, conditions or other regulatory requirements, the Highway Authority may remove and store or dispose furniture, at the cost of the licence holder and with no responsibility for safekeeping.
9. The premises should not place A-boards or advertising signs on highway outside of the licensed area.
10. All furniture authorised by the licence must be removed by 11pm on the day the licence expires, or by 11pm on the day a revocation notice is served. The Council reserves the legal right to recover costs of any furniture removal from the licence holder.
11. The Licensee shall maintain a public liability insurance policy up to the value of £5 million pounds against any liability, loss or damage, claim or proceeding whatsoever arising under Statute or Common law in respect of the placing and maintaining of the tables and chairs on the highway or their removal there from.
12. The Licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times, and will ensure that the area covered by the licence is left clean and tidy once the furniture is removed at the end of the day.
13. Any waste produced by the business will be handled safely, and disposed of in accordance with the law.
14. The Licence Holder must comply with any request to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the licence. The Licence Holder must also comply with any request to remove the furniture due to an emergency situation or special event. A reasonable period of notice will be given to the licensee where possible. The Highways Authority and/or East Cambs District Council will not be liable for any loss of earnings arising out of the loss of use of a licence whilst complying with any such request.
15. No furniture other than that stipulated on the application is permitted to be used. Any replacement furniture must be like for like, or permission must be sought from the Council.
16. No form of entertainment (incl. background music) is permitted in the licensed area, this includes the placing of speakers or any other equipment for the amplification of sound.
17. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure compliance with the licence conditions and to ensure that the area operates in a safe and orderly manner to reduce the risk of nuisance.
18. The licence holder shall not allow their customers to cause any form of nuisance or annoyance to:

- any other users of the highway
 - any neighbouring residents, or
 - any neighbouring businesses.
19. During hours of use, the licence holder or a nominated representative shall be available to receive and respond to complaints.
 20. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must be approved in writing by the Council.
 21. When the licensed area is in use, the licence holder shall make toilets and hand washing facilities available for customers, including to wheelchair accessible standards where it is practicable and reasonable to do so.
 22. The licence holder shall ensure that disabled persons and wheelchair users can be adequately served.
 23. Only alcohol purchased from the connected premises may be consumed within the licensed area.
 24. The front page of the licence and Annex 1 plan must be prominently displayed on the premises so that it may be easily viewed.
 25. The licensee is responsible for carrying out the reinstatement of the highway in the event of any damage to the highway occurring as a result of the activity (if requested to do so by the Highway Authority). The permanent surface reinstatement shall be carried out to the satisfaction of the Highways Authority.
 26. The licence is not transferable.
 27. These conditions may be varied where appropriate to reflect any changes in local areas and will come into effect upon written notification by the Council.
 28. The Licence Holder shall ensure that all persons using the defined area remain seated at all times save for the purposes of entering and exiting the area. To avoid confusion, no person should be allowed to remain standing whilst consuming food and/or drink in the area.
 29. The Licence Holder shall ensure that the footway is not obstructed by patrons waiting to be seated, or by any other items of furniture or personal possessions of patrons.
 30. The council reserves the right to revoke this licence at any time if there is a failure to comply with any of the above conditions.

Appendix 3

National Conditions

No-obstruction condition:

The Licence Holder shall ensure that no activity undertaken by them by the placing of furniture on the highway will:

- (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
- (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition:

Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Licensing Committee Annual Agenda Plan

19 June 2024 10:00am

Report deadline: 7 June 2024

Agenda despatch: 11 June 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Gambling Act 2005 – Policy consultation	Stewart Broome, Senior Licensing Officer
Update on Pavement Licensing	Stewart Broome, Senior Licensing Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

11 September 2024 10:00am

Report deadline: 30 August 2024

Agenda despatch: 3 September 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Gambling Act – Policy consultation responses	Stewart Broome, Senior Licensing Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

Agenda Item 8

Lead officer: Liz Knox, Environmental Services Manager

Democratic Services Officer: Leah Mickleborough

10 July 2024 10:00am

Report deadline: 28 June 2024

Agenda despatch: 2 July 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

9 October 2024 10:00am

Report deadline: 27 September 2024

Agenda despatch: 1 October 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

20 November 2024 10:00am

Report deadline: 8 November 2024

Agenda despatch: 12 November 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Review of Licensing Fees	Stewart Broome, Senior Licensing Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

22 January 2025 10:00am

Report deadline: 10 January 2025

Agenda despatch: 14 January 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

12 March 2025 10:00am

Report deadline: 28 February 2025

Agenda despatch: 4 March 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer

11 December 2024 10:00am

Report deadline: 29 November 2024

Agenda despatch: 3 December 2024

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

12 February 2025 10:00am

Report deadline: 31 January 2025

Agenda despatch: 4 February 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer

14 May 2025 10:00am

Report deadline: 1 May 2025

Agenda despatch: 6 May 2025

Agenda Item	Report Author
Chairman's Announcements	Democratic Services Officer
Licensing Officers Update	Stewart Broome, Senior Licensing Officer
Forward Agenda Plan	Democratic Services Officer