



## Cambridge City Council Licensing Committee

**Date:** Monday, 31 January 2022

**Time:** 10.30 am

**Venue:** Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457000

### Agenda

A Member's Licensing & Enforcement verbal update will start at 9:30am in the Council Chamber before the public meeting.

- 1 Apologies
- 2 Declarations of Interest
- 3 Minutes (Pages 3 - 10)
- 4 Public Questions
- 5 Hackney Carriage Demand Survey (Pages 11 - 18)
- 6 Annual Review of Fees and Charges (Pages 19 - 36)
- 7 Review of Sex Establishment Licensing Policy (Pages 37 - 90)
- 8 Review of Statement of Gambling Principles (Pages 91 - 212)

**Licensing Committee Members:** Bird (Chair), McPherson (Vice-Chair), Bennett, Collis, Dryden, Flaubert, McQueen, Moore and Page-Croft

**Alternates:** Hauk and Scutt

### **Public health and well-being for meeting arrangements**

Whilst the situation with COVID-19 is on-going, the Council will be following the latest Government guidance in organising and holding its meetings.

This Meeting will be live streamed to the Council's YouTube page. Those wishing to address the meeting will also be able to do so virtually via Microsoft Teams. Given the ambition to limit numbers of people attending the meeting in person to reduce the risk of infections, we would encourage members of the public who wish to address the Committee to do so virtually.

Should you have to attend in person, we always ask you to maintain social distancing and maintain your face covering unless you are exempt or when speaking at the meeting. Hand sanitiser will be available on entry to the meeting.

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## LICENSING COMMITTEE

22 March 2021  
10.30 - 11.15 am

**Present:** Councillors Bird (Chair), Gehring, Johnson, Massey, McQueen, Moore, Page-Croft and Summerbell

### Officers

Environmental Health Manager: Yvonne O'Donnell

Environmental Health and Licensing Support Team Leader: Wangari Njiiri

Committee Manager: James Goddard

Producer: Liam Martin

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### **21/22/Lic Apologies**

Apologies were received from Councillors McPherson and Thittala.

Councillor Gehring said another appointment may require him to leave the meeting early.

### **21/23/Lic Declarations of Interest**

No declarations of interest were made.

### **21/24/Lic Minutes**

The minutes of the meeting held on 25 January 2021 were approved by the Chair.

### **21/25/Lic Public Questions**

There were no public questions.

### **21/26/Lic Pavement Licence Fee**

The Committee received a report from the Environmental Health Manager.

The Business and Planning Act 2020 was introduced in July 2020, and included different measures that were intended to support businesses and the economy to recover from the disruption caused by the Covid-19 pandemic.

Part 1 of the Act introduces the process of Pavement licences. This process is a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway, in addition the Guidance allows licences to be granted where the consumption of food and drink would be an ancillary activity eg (supermarkets and places of entertainment). The aim of this is to support business to operate safely while social distancing measures remain in place, without having such a large impact on their serving capacity.

When introduced it was hoped that the new process would provide much needed income over the summer months up until September 2021 and protect as many hospitality jobs as possible.

Prior to July 2020, Highway furniture permissions were granted as Table and Chair licences, issued by Cambridgeshire County Council, as the Highways Authority, under Part 7A of the Highways Act 1980.

Under the Part 7A of the Highways Act 1980, each valid application would go through a 28-day consultation period.

However, with the Pavement License process, from receipt of application to decision to grant or refuse licence, takes no more than 14 days. This includes a 7 day consultation period starting the day after application is received, and 7 day decision period after the consultation period finishes.

It is key that a decision is made within the 7 day decision making period. If a delay occurs in which an applicant is not informed of the decision by the end of the 7th day, a Deemed licence would be granted. A disadvantage of this is Cambridge as a Licensing Authority would have no powers to add additional conditions, if required.

The Committee made the following comments in response to the report:

- i. Referred to concerns about blocked pavements.
- ii. An administration fee could be considered if this became a permanent power.

In response to Members' questions the Environmental Health Manager said the following:



- i. Ward Councillors would be consulted on issues in early July.
- ii. Officers had 14 days to consider applications. They would help businesses to get up and running.
- iii. Officers would look at fees being charged if this became a permanent power. Fees would not be implemented for a temporary measure.
- iv. Consultation would occur before a pavement licence were issued to ensure the pavement was clear for 1m from the business to the edge of the kerb. This would be monitored.

#### The Committee:

**Resolved (unanimously)** to approve:

- i. Zero fee (£) for all new, renewal and variation Pavement License applications.
- ii. All new licences granted will expire on 30 September 2021. However, if Parliament agree a 12 month extension, licences will automatically be extended to 30 September 2022.
- iii. Current licences due to expire 31 March 2021, will automatically be extended up until 30 September 2021 (current licence holders, do not need to reapply). However, if Parliament agree a 12 month extension, licences will automatically be extended to 30 September 2022.
- iv. Although all licences will be granted under the recommendations detailed in points B and C, it may be required that during the decision making period, a shorter period licence may be is justified by the decision making officer.

### **21/27/Lic Hackney Carriage Vehicle Licence Numbers**

The Committee received a report from the Environmental Health Manager.

The Council may, as part of its adopted policy on the licensing of Hackney Carriages (HCV), consider whether to apply a limit on the maximum number of HCV licences which it will issue at any time. However, this power may be exercised only if the Council is satisfied that there is no significant demand for the services of HCVs which is unmet (section 16 Transport Act 1985). The Council has no power to limit the number of Private Hire Vehicle (PHV) licences.

In January 2015 members agreed that a Demand Survey should be completed every 3 years in order to review the limit on the number of HCV. This is to ensure the council is satisfied that there is no significant unmet demand for the service.

The most recent Demand Survey was completed in 2017. Within the report produced by the company completing the survey, it was concluded that there was no significant unmet demand. As a result of these findings, the number limit for HCV remained at 321.

As the Council have a limit in the number of HCV they have within the city, as part of the demand survey process an expression of interest 'list' was created for those who wished to hold a HCV, when one become available. This list is currently closed and the council are not currently accepting new expressions of interest.

Since March 2020, 4 plates have become available and offered to those currently on the list. Due to the impact of Covid - 19, those offered plates have been provided with 12 months to licence a new HCV, as opposed to 3 months previously. This extension is in response to Covid-19. There are also a further 9 individuals who remain on this list.

The next Demand Survey was due to be completed in 2020, however this did not take place due to the restrictions in place throughout the Country and the city, in response to the Covid – 19 pandemic.

The Environmental Health Manager, deemed that if a Demand Survey was to be completed under the restrictions in place, the results would not be a true representation of the demand for HCV services.

The above decision was communicated with Committee Members and members of the trade.

Following the above decision not to proceed with the Demand Survey in 2020, the Environmental Health Manager received a request from a member of the trade to stop or freeze the issuing of plates, which have been returned to the council (Appendix A of the Officer's report).

It was apparent that owing to the Covid-19 pandemic restrictions throughout the country that the taxi trade has been impacted due to decreased demand for the services. As the restrictions ease over the next coming months, demand is likely to increase, however it is unknown how quickly things will go back to 'normal' at this point in time.

In response to Members' questions the Environmental Health Manager and Environmental Health and Licensing Support Team Leader said the following:

- i. The report sought to reduce the number of HCV at present.

- ii. Few electric vehicles currently on the market were wheelchair accessible. It did not seem reasonable to insist on this requirement for a 6 month period.
- iii. If new licences were extended, electric vehicles that were wheelchair accessible would be encouraged.
- iv. A demand survey was proposed in 2020 but this was not viable due to covid lockdown, so another demand survey would occur in the next two years. The limit on HCV and policy on ultra-low emission vehicles would be reviewed then.
- v. Licensing conditions (Green Policy for Taxis) required new saloon cars to be electric from April ~~2024~~ 2020 (corrected post meeting, but 2021 mentioned in meeting). All vehicles should be electric or ultra-low emission from 2028.
- vi. Officers were reviewing the specifications on what were viable electric or ultra-low emission vehicles to encourage licensees to use these in the city.
- vii. Officers were also looking at infrastructure in the city (eg designated charge points for taxis) to get the best performance out of vehicles.

The Committee:

**Resolved (unanimously of all present - 7 votes to 0)** to approve that council officers put on hold handing out plates returned to the council to the next persons on the Expression list, for the next 6 months.

Councillor Gehring left the committee during the debate.

The meeting ended at 11.15 am

**CHAIR**

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**LICENSING COMMITTEE**

27 May 2021  
1.50 - 1.55 pm

**Present:** Councillors Bird (Chair), McPherson (Vice-Chair), Bennett, Bond, Collis, Cox, Dryden, Moore, Page-Croft and Scutt

**Officers:**

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**21/28/Lic Appointment of Sub Committees**

The Licensing Sub Committees will comprise 3 members which will be taken from the membership of the Licensing Committee which now comprised 10 members:

Councillors Bird, McPherson, McQueen, Dryden, Moore, Collis, Page-Croft, Cox, Bond and Bennett

The Licensing Sub Committees will be organised by the Committee Manager on a rotational basis.

The meeting ended at 1.55pm

**Chair**

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## PROCUREMENT AND IMPLEMENTATION OF A HACKNEY CARRIAGE DEMAND SURVEY

**To:**

Licensing Committee 31/01/2022

**Report by:**

Yvonne O'Donnell , Environmental Health Manager

Tel: 01223 - 456354 Email: Yvonne.ODonnell@cambridge.gov.uk

**Wards affected:**

All

### 1. Introduction / Executive Summary

- 1.1. In January 2018, Licensing Committee resolved to continue to limit the amount of Hackney Carriage Vehicles (HCV). This was following the 2017 taxi demand survey results, that concluded there was no significant unmet demand in the city.
- 1.2. Members also agreed that the existing limit of 321 would remain.
- 1.3. Government guidance recommends the maximum reasonable period between taxi demand surveys is three years.
- 1.4. Following the 2017 survey, the next survey was due to be completed in 2020. This did not take place, due to the Covid-19 pandemic and the various lockdowns put in place by the UK Government. It was concluded that a demand survey at that time would not be a true representation of the demand.

- 1.5. Restrictions were eased on 19<sup>th</sup> July 2021, and as the country moves into a new normal, we now require the commissioning of a new demand survey, to determine whether a significant unmet demand continues to exist in the city.
- 1.6. In March 2018, Licensing committee agreed to reduce the number of Wheelchair Accessible vehicles within the Hackney Carriage Fleet from 65% to 50%, and those 50 plates to be replaced by zero emission vehicles.
- 1.7. Members also resolved that above required that availability of WAV should be reviewed every three years.
- 1.8. The Law Commissions final report on Taxi and Private Hire Services (published May 2014) recommends that the accessibility review should be conducted every 3 years.

## **2. Recommendations**

- 2.1. Members are asked to instruct officers to procure and implement a new Hackney Carriage Demand Survey to determine whether there is a significant unmet demand in the City, and to bring the results and recommendations to Licensing Committee in January 2023.
- 2.2. Members are asked to instruct officers as part of the demand survey, to review the accessibility policy in relation to the Hackney Carriage Vehicles and to bring the results and recommendations to Licensing Committee in January 2023.

## **3. Background**

- 3.1. Section 16 of the Transport Act 1985 (which amends Section 37 of the Town Police Clauses Act 1847) allows Licensing Authorities to limit the number of HCV licences issued, “only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”.
- 3.2. In January 2018 Licensing Committee was presented with a committee report outlining the results of the taxi demand survey completed by LVSA in 2017. The final 2017 report concluded that there was no significant unmet taxi demand in Cambridge.



- 3.3. Informed by the report and Committee meeting debate the Licensing Committee was satisfied that there was no significant demand for hackney carriages in the city which is unmet.
- 3.4. Members also resolved to keep the limit at the existing level of 321 HCVs.
- 3.5. Any limit imposed by the Licensing Authority will be subject to the requirements of Part 12 of the Equality Act 2010 and any associated Regulations such that the proportion of the taxi fleet that is accessible to a disabled person complies with any requirement that may be set by Regulations.
- 3.6. There are no powers for licensing authorities to limit the number of Private Hire Vehicles. As of January 2022 there were 99 Private Hire Vehicles licensed with Cambridge City Council.
- 3.7. Due to the limit in Hackney Carriage numbers an 'Expression of Interest' list has been set up in the past following the committee decision where by persons could be added to a waiting list, and so offered an available plate should the number of Hackney Carriage Vehicles fall below 321.
- 3.8. At the time of writing this report, there are no people on the waiting list. 8 individuals have been offered and accepted a plate, however are yet to licence a vehicle. 5 licences are currently vacant with, no one to offer due to empty waiting list.

## **Survey intervals**

- 3.9. Paragraph 49 of The Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) states:

*"If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys"*

- 3.10. In addition, the Law Commission's final report on 'Taxi and Private Hire Services' (published May 2014) recommends that limits should be reviewed every three years and be subject to local consultation. The report also advised that an accessibility review should be conducted at three-yearly intervals.
- 3.11. Based on the recommended 3 year intervals between survey, Cambridge City Council were due to complete a survey in 2020. This however did not take place due to the Covid-19 pandemic and reduced need for public transport. This was addressed to members, during Licensing Committee meeting on January 2021 and again in March 2021. Licensing officers did not feel that a survey completed in 2020, would be a true representation of demand within the city.
- 3.12. As we come out of the pandemic into a new normal, it would therefore appear in the interests of the Council to commission a taxi demand survey as to prevent any further interval in time.

## **Procurement**

- 3.13. The procurement of a contractor to conduct the survey will be subject to the standard corporate procurement process. The survey will be financed by the Hackney Carriage trade with a maximum budget estimated at £18,000.

The contract will be awarded on the basis of the most advantageous bid, in accordance with the following criteria:

- Price
  - Method Statement for carrying out the work & quality of the proposal (e.g. quality of example questionnaires)
  - Availability to commence the survey
- 3.14. When commissioning a demand survey the Council will need to agree with the contractor what methodology will be used and the parameters to be investigated.
- 3.15. As a guide, the Department for Transport has set out a list of 'Useful questions when assessing quantity controls of taxi licences' in Annex A of its March 2010 Best Practice Guidance document. These questions fall into three categories:
- Questions relating to the policy of controlling numbers

- Questions relating to setting the number of taxi licences
- Questions relating to consultation and other public transport service provision

3.16. The 2017 demand survey used several investigation techniques, including; rank surveys; stakeholder consultations; and Trade stakeholder / General public views

## **Wheel Chair Accessible vehicles**

- 3.17. The commissioning of a taxi demand survey presents the opportunity to explore particular elements of the demand for HCVs. An example of this could be to review the quantity of Wheelchair Accessible Vehicles (WAVs) following the Law Commission's recommendations relating to a three-yearly accessibility review. Furthermore, following the council decision to reduce WAV from 65% to 50% in the view of increasing the number of electric vehicles within the fleet to support the Councils Air Quality Action Plan, a review of demand is required.
- 3.18. In the January 2018 Licensing Committee meeting members were advised that the Commercial and Licensing Team had, prior to meeting received two comments from members of the public within the last three months, stating that they found the number of WAVs excessive. Their circumstances related to the difficulty of getting into a WAV, which require a step up into the vehicle, and their preference for saloon, estate and hatchback vehicles, which do not.
- 3.19. However, this year the Licensing officers have received 3 queries in regards to the inability for passengers to get a WAV. This has however been related to customers making contact with Private Hire Operators (PHO) and being unable to get a WAV, when required.
- 3.20. Although availability of WAV has been linked to PHO ability to supply a WAV, many HCVs are also registered with PHO and make up a portion of those WAV available to customers.
- 3.21. Since 2018 when the policy was introduced to reduce the number of WAV HCV by 15% with the aim of increasing the number of Zero emission, the number of WAV has reduced from 65% to 51% (based on current number of HCV licences; 308 vehicles and 157 WAV).
- 3.22. Currently there are 8 plates which have been offered and accepted to those previously on the 'Expression of Interest' List, the council are

waiting vehicles to be added to these plates. Only one of these prospective proprietors have stated they will put a zero emission vehicle on the plate. This would take the total amount of WAV to 52% based on 316 licences, when offered plates have been licenced.

- 3.23. 5 plates are vacant and yet to be allocated, as there are no more prospective proprietors on the Expression of interest list.
- 3.24. A total of 35 WAV have been swapped to zero emission.
- 3.25. Members may therefore wish to instruct officers for the demand survey to review the provision of WAVs in the city.
- 3.26. Members may also wish to have regard to the Council's Air Quality Management Plan (AQMP). In respect to Taxi Trade the Council has agreed a 10 year plan (2018-2028) with the aim of creating an Hackney Carriage and Private Hire vehicle fleet that is electric or Ultra-low emission.
- 3.27. Members may therefore wish to consider the aims and objectives of the AQMP and how this could shape the methodology to be employed when conducting a demand survey and the provisions of WAV in the City.
- 3.28. Members should also be advised that there is no requirement to undertake a demand survey in order to delimit the number of HCV licences, however it is strongly recommended and a consultation must be conducted. However, any increase or decrease in the set limit of HCV licences should be supported by evidence.

## **4. Options**

- 4.1 The Committee may resolve to:
  - a) Instruct officers to procure a contractor to conduct a Hackney Carriage Demand Survey in 2021 and also include a review of the accessibility policy; or
  - b) Instruct officers to procure a contract to conduct a Hackney Carriage Demand Survey in 2021 only and not a review of the accessibility policy

c) Instruct officers not to procure a contractor and thus not commission a Hackney Carriage Demand Survey or a review of the accessibility policy

4.2 If members pick option a) or b) then the results of the survey will be due to be presented at the January 2023 meeting of the Licensing Committee, to ascertain whether there exists a significant unmet demand for taxis in Cambridge

4.3 If members pick option c) then they must be satisfied that the decision to not allow commissioning of a demand survey to ascertain whether there exists a significant unmet demand for taxis in Cambridge could withstand challenge.

## **5. Implications**

### **a) Financial Implications**

The procurement of a contractor to conduct the survey will be subject to the standard corporate procurement process. The survey will be financed by the Hackney Carriage trade with a maximum budget estimated at £18,000.

### **b) Staffing Implications**

If members resolve for the survey to go ahead then the work involved would be absorbed by existing staff resources.

### **c) Equality and Poverty Implications**

The results of the demand survey and accessibility review will be subject to an equalities impact assessment and will form part of the committee report presented to Licensing Committee in January 2023

### **d) Net Zero Carbon, Climate Change and Environmental Implications**

The results of the accessibility review will have an impact as to whether the air quality action plan is achievable

### **e) Procurement Implications**

The corporate procurement rules will be following in discussion with the procurement team

## **f) Community Safety Implications**

Nil.

## **6. Background papers**

1. [Hackney Carriage and Private Hire Licensing Policy - Cambridge City Council](#)
2. [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)
3. [Agenda for Licensing Committee on Monday, 19th March, 2018, 10.00 am - Cambridge Council](#)
4. [Agenda for Licensing Committee on Monday, 29th January, 2018, 10.00 am - Cambridge Council](#)
5. [Executive summary \(cambridge.gov.uk\)](#) – Air Quality Action Plan
6. [Taxi and Private Hire Services | Law Commission](#)
7. [Agenda for Licensing Committee on Monday, 22nd March, 2021, 10.30 am - Cambridge Council](#)
8. [Agenda for Licensing Committee on Monday, 25th January, 2021, 10.30 am - Cambridge Council](#)

## **7. Appendices**

Nil.

## **8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact Wangari Njiiri , Environmental Health and Licensing Support Team Leader, tel: 01223 - 458533, email: [wangari.njiiri@cambridge.gov.uk](mailto:wangari.njiiri@cambridge.gov.uk).



## ANNUAL REVIEW OF LICENSING FEES AND CHARGES 2022/23

**To:**

Licensing Committee     31/01/2022

**Report by:**

Yvonne O'Donnell, Environmental Health Manager

Tel: 01223 457951

Email: [Yvonne.ODonnell@cambridge.gov.uk](mailto:Yvonne.ODonnell@cambridge.gov.uk)

**Wards affected:**

All

## **1. Introduction / Executive Summary**

- 1.1. Cambridge City Council, as the Licensing Authority, is responsible for processing and issuing licences for a wide range of activities.
- 1.2. The Council needs to demonstrate that the fees it charges for such licences have been set in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible.
- 1.3. Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.
- 1.4. This report sets out the revised fees and charges for licences and associated items, which it is proposed should take effect from 1<sup>st</sup> April 2022.
- 1.5. Cambridge City Council acknowledge the impact of the Covid 19 pandemic has had on many of the businesses and individuals it is responsible for processing and issuing licences for. Consideration has been made for the impacts of the pandemic for the different licence types we administer.

## **2. Recommendations**

- 2.1. Members are recommended to approve the level of the fees and charges with effect from 1<sup>st</sup> April 2022, as set out in Appendix A.
- 2.2. Members are to request officers to communicate changes with members of the public, businesses and taxi trade.

## **3. Background**

- 3.1. Cambridge City Council is required to review all fees and charges related to licences and other associated items, from time to time.
- 3.2. The Council must seek to recover the costs associated with processing applications for licences as well as the administration and monitoring of compliance with conditions. The fees charged should be capable of withstanding legal challenge, should the need arise.



- 3.3. The cost to the Council of this work, as set by Policy, is annually assessed and real time costs are used in compiling the figures. Where it is possible to reduce costs by use of more efficient working methods, these are explored and implemented.
- 3.4. It is not permitted to make a surplus, nor to subsidise, and so where such situations have arisen, fees and charges are adjusted in succeeding years to achieve and maintain the correct balance.
- 3.5. Decisions regarding the Licensing Fees and Charges are for the Licensing Committee to consider and approve.
- 3.6. The proposed charges for 2022/23 are set out in Appendix A.
- 3.7. Within Appendix A, all fees and charges with the exemption of taxi licensing fees and charges have been increased by 2% then rounded up or down to the nearest pound or fifty pence.
- 3.8. In January 2021, Licensing Members approved to maintain all fees and charges for 2021/2022, of that agreed in January 2020 due the Covid pandemic and the ongoing government instructed lockdowns announced over the preceding year.
- 3.9. Neighbouring licensing authorities, including East Cambridgeshire District Council and South Cambridgeshire District Council also maintained their fees and charges agreed for 2020/2021 for 2021/2022. This year East Cambridgeshire District Council have again not increased their fees as of November 2021 for the next 12 months. South Cambridgeshire District Council are currently looking at their fees.

### **Fees for Animal Welfare Licensing**

- 3.10. The fees for the majority of Animal Welfare Licensing were adopted by Licensing Committee on 1st October 2018, following on from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 taking effect on 1st October 2018.
- 3.11. This year Cambridge City Council propose to increase fees and charges by 2% (rounded to the nearest round figure, Appendix A).

## **Fees for Skin Piercing Registrations and Sex Establishment Licensing**

- 3.12. Fees for skin piercing premises / practitioners and sex establishments will also be increased by 2% (rounded to the nearest round figure, Appendix A).

## **Fees for Hackney Carriage and Private Hire licensing**

- 3.13. Since the start of the Covid-19, demand for licensed vehicles in the taxi trade has decreased, as compared to previous years. This has been due to the various restrictions set by Government over the last two years, such as various lockdowns and government advice to reduce the use of public transport and social gatherings. Although restrictions eased in July 2021, members of the public are still limiting their activities, including late night economy businesses, which members of the trade have previously relied on for income. Due to the reduced need for the trade over this time, Cambridge City Council have proposed no change to the current 2021/22 fees into 2022/2023. This decision will have an impact on the department as the licensing authority should recover its allowable costs in administering Hackney Carriage and Private hire licensing fees. These costs however, can be recovered in future years.
- 3.14. The charge for the DVLA Data Checks, is determined by the provider License Bureau. The current fee is £5.52 for a one year license and £16.56 for three year licenses. Any future changes to the associated price are in line with the charges made by the third party company that undertakes this work. These prices will be reflected in fees immediately on date License Bureau specify.
- 3.15. The charge for Enhanced Disclosure & Barring Service Check (DBS) is determined by the Disclosure & Barring Service. The current fee is set at £40. Any future changes announced by DBS will be reflected in fees immediately on date DBS specify.

## **Fees for licences and permits issued under the Licensing Act 2003**

- 3.16. Fees for licences issued under the Licensing Act 2003 are currently fixed by central government and are included for information only. Cambridge City Council is not permitted to deviate from these figures.

## **Fees for licences and permits issued under the Gambling Act 2005**

- 3.17. Fees for permits issued under the Gambling Act 2005 are currently fixed by central government and are included for information only. Cambridge City Council is not permitted to deviate from these figures.

## **Fees for street trading licences**

- 3.18. City Centre Management administers the fees for street trading licenses. The current fees have been reviewed and officers have confirmed there are no proposed changes to the street trading pitch licenses for 2022/23

## **Fees and Charges for training**

- 3.19. Fees for training given by Council officers is proposed to be increased. Increase for both The BIIAB Level 1 Award in Responsible Alcohol Retailing training and BIIAB Level 2 Award for Personal Licence Holders is to be increased by 2% (rounded to the nearest round figure) in line with inflation.

## **4. Implications**

### **a) Financial Implications**

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Cambridge City Council will not recover all the Council's allowable costs for 2022/23. This is due to the decision to maintain current fees in respect to Taxi licensing.

### **b) Staffing Implications**

Staff will be required to update relevant information on the Cambridge City Council Website, Environmental Health management system and send out required communication to stakeholders. These costs are to be absorb in daily job requirements.

### **c) Equality and Poverty Implications**

Nil

### **d) Net Zero Carbon, Climate Change and Environmental Implications**

Nil

### **e) Procurement Implications**

Nil

**f) Community Safety Implications**  
Nil

**5. Consultation and communication considerations**

- 5.1. Under the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to consult on any changes to the fees and charges in respect of Hackney Carriage and Private Hire licensing.
- 5.2. A public consultation took place from 4<sup>th</sup> December 2021 to 5<sup>th</sup> January 2022. All licence holders received a copy of the proposed fees and charges (Appendix B) attached within an e-mail. The consultation was also advertised by public notice in Cambridge News and posted on the Cambridge City Council consultation page.
- 5.3. Three (3) consultation responses were received, which are illustrated in Appendix C. One (1) was objecting the no change to Taxi Licensing fees and charges. Correspondence was achieved with objector and clarification was provided. Objector did not withdraw objection, and objection has been considered by the Environmental Health Manager. One (1) response was to support the proposed no change to Taxi Licensing fees and charges. One (1) response was to query why report was required if no change to fees and charges are being proposed.
- 5.4. Consideration was taken to objection received, in respect to increasing fees and charges in line with the consumer price index. Following discussions between Environmental Health manager and Environmental Health and Licensing Support Team Leader, the above recommendations as detailed in section 2 should still be considered.

**6. Background papers**

No background papers were used in the preparation of this report.

**7. Appendices**

Appendix A – Proposed Fees and Charges

Appendix B – Taxi Licensing Fees and Charges consultation document

Appendix C – Summary of responses received to consultation

**8. Inspection of papers**

Wangari Njiiri, Environmental Health and Licensing Support Team Leader

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Email: Wangari.njiiri@cambridge.gov.uk

## Appendix A – Proposed Licensing Fees and Charges for 2022/2023

Charge Type and description	Charges 2021/22 £	Proposed Charges 2022/23 £	% Increase 2022/23
<b>Skin Piercing</b>			
Skin Piercing – Premises	146.00	149.00	2.1%
Skin Piercing - Practitioners	56.00	57.00	1.8%
<b>Sex Establishments</b>			
Sexual Entertainment Venues (new & variation)	3,070.00	3,131.00	2.0%
Sexual Entertainment Venues (renewal)	909.00	927.00	2.0%
Sexual Entertainment Venues (transfer)	909.00	927.00	2.0%
Sex Shop / Sex Cinema (new & variation)	2,843.00	2,900.00	2.0%
Sex Shop / Sex Cinema (renewal)	909.00	927.00	2.0%
Sex Shop / Sex Cinema (transfer)	909.00	927.00	2.0%
<b>Taxi Licences CONSULTATION TAKING PLACE</b>			
<b>Drivers</b>			
Disclosure & Barring Service Check (DBS) * / **	40.00	40.00	0.0%
Knowledge Test	68.00	68.00	0.0%
New Licence Fee	250.00	250.00	0.0%
Annual Renewal Fee	84.00	84.00	0.0%
3 Yearly Renewal Fee	230.00	230.00	0.0%
Replacement Badges	21.00	21.00	0.0 %

DVLA Data Check * (New service provider) **	5.52	5.52	0.0%
DVLA Data Check * (New service provider) 3 year licence **	16.52	16.52	0.0%
Change of Details	15.00	15.00	0.0%
Replacement Licence	10.00	10.00	0.0%
<b>Vehicles</b>			
Hackney Carriage Licence (new)	281.00	281.00	0.0%
Private Hire Licence (new)	281.00	281.00	0.0%
Hackney Carriage Ultra Low Emission Vehicle (new)	140.00	140.00	0.0%
Private Hire Ultra Low Emission Vehicle (new)	140.00	140.00	0.0%
Hackney Carriage Zero Emission Vehicle (new)	0.00	0.00	0.0%
Private Hire Zero Emission Vehicle (new)	0.00	0.00	0.0%
Hackney Carriage Licence Renewal	245.00	245.00	0.0%
Private Hire Licence Renewal	230.00	230.00	0.0%
Hackney Carriage Ultra Low Emission Vehicle (renewal)	122.00	122.00	0.0%
Private Hire Ultra Low Emission Vehicle (renewal)	115.00	115.00	0.0%
Hackney Carriage Zero Emission Vehicle (renewal)	0.00	0.00	0.0%
Private Hire Zero Emission Vehicle (renewal)	0.00	0.00	0.0%
Plate Deposit	51.00	50.00	(2.0%)
Replacement Plate	26.00	26.00	0.0%
Change of Ownership	74.00	74.00	0.0%
Crest - self adhesive	6.00	6.00	0.0%
Crest – magnetic	8.00	8.00	0.0%
Replacement Licence	10.00	10.00	0.0%
Change of Details	15.00	15.00	0.0%
<b>Operators Licence</b>			

Private Hire Operators Licence (New)	292.00	292.00	0.0%
Private Hire Operators Licence (Renewal - 1 Year)	218.00	218.00	0.0%
Private Hire Operators Licence (renewal - 5 Year)	895.00	895.00	0.0%
Replacement Licence	10.00	10.00	0.0%
Change of Details	15.00	15.00	0.0%
<b>Training</b>			
Fee for Customer Awareness: Safeguarding, Equality & Protection Training	53.00	53.00	0.0%
BIIAB Level 1 Award in Responsible Alcohol Retailing	68.00	69.00	1.5%
BIIAB Level 2 Award for Personal Licence Holders	110.00	112.00	1.8%
<b>Licensing Act 2003 (Statutory Set)</b>			
Personal Licence	27.00	27.00	0.0%
New Premises Licence (or full variation)	Various	Various	Various
Annual Fee	Various	Various	Various
Minor Variation	89.00	89.00	0.0%
Temporary Event Notice	21.00	21.00	0.0%
Change of Designated Premises Supervisor	23.00	23.00	0.0%
<b>Gambling Act 2005 (Statutory Set)</b>			
Bingo Club (New)	2,625.00	2,625.00	0.0%
Bingo Club (Annual Fee)	900.00	900.00	0.0%
Small Society Lottery (New)	40.00	40.00	0.0%
Small Society Lottery (Annual)	20.00	20.00	0.0%
Betting Premises (New)	2,250.00	2,250.00	0.0%
Betting Premises (Annual Fee)	540.00	540.00	0.0%

Family Entertainment Centre (Annual Fee)	500.00	500.00	0.0%
Adult Gaming Centre (New)	1,500.00	1,500.00	0.0%
Adult Gaming Centre (Annual Fee)	900.00	900.00	0.0%
<b>Animal Licensing</b>			
Zoo	592.00	603.00	1.9%
Dangerous Wild Animals	248.50 + vet fees	253.50 + vet fees	2%
Variation of a licence requiring a re-inspection	44.00+ vet fees	45 + vet fees	2.3%
<b>Exhibiting animals:</b>			
Fees on application	77.50	79.00	1.9%
Initial rating or re-rating fee	132.00	135.00	2.3%
Maintenance fee (3 years)	382.50	390.00	2.0%
Variation of a licence requiring a re-inspection	132.00	135.00	2.3%
Copy of licence or change of details not requiring an inspection	11.00	11.50	4.5%
<b>Selling animals as pets:</b>			
Fees on application	77.50	79.00	1.9%
Initial rating or re-rating fee	219.00	223.00	1.8%
Maintenance fee: one year	127.50	130.00	2.0%
two years	255.00	260.00	2.0%
three years	382.50	390.00	2.0%
Variation of a licence requiring a re-inspection	219.00	223.00	1.8%
Copy of licence or change of details not requiring an inspection	11.00	11.50	4.5%
<b>Riding Establishment:</b>			
Fees on application	77.50	79.00	1.9%



Initial rating or re-rating fee ( plus additional vets fee not included)	44.00	45.00	2.3%
Maintenance fee: one year	127.50	130.00	2.0%
two years	255.00	260.00	2.0%
three years	382.50	390.00	2.0%
Variation of a licence requiring a re-inspection (plus vets fee not included)	44.00	45.00	2.3%
Copy of licence or change of details not requiring an inspection	11.00	11.50	4.5%
<b>Dog Breeding:</b>			
Fees on application	77.50	79.00	1.9%
Initial rating or re-rating fee ( plus additional vets fee not included)	44.00	45.00	2.3%
Maintenance fee: one year	127.50	130.00	2.0%
two years	255.00	260.00	2.0%
three years	382.50	390.00	2.0%
Variation of a licence requiring a re-inspection (plus vets fee not included)	44.00	45.00	2.3%
Copy of licence or change of details not requiring an inspection	11.00	11.50	4.5%
<b>Animal Boarding:</b>			
Fees on application: up to 10 animals	77.50	79.00	1.9%
Initial rating or re-rating fee	132.00	135.00	2.3%
Variation of a licence requiring a re-inspection	132.00	135.00	2.3%
Fees on application: 11- 30 animals	175.00	179.00	2.3%
Variation of a licence requiring a re-inspection	175.00	179.00	2.3%
Fees on application: 31-60 animals	219.00	223.00	1.8%
Variation of a licence requiring a re-inspection	219.00	223.00	1.8%
Fees on application: 61-99 animals	263.00	268.00	1.9%

Variation of a licence requiring a re-inspection	263.00	268.00	1.9%
Fees on application: 100 or more animals	307.00	313.00	2.0%
Variation of a licence requiring a re-inspection	307.00	313.00	2.0%
Maintenance fee: one year	127.50	130.00	2.0%
two years	255.00	260.00	2.0%
three years	382.50	390.00	2.0%
Copy of licence or change of details not requiring an inspection	11.00	11.50	4.5%
<b>Street Trading</b>			
12 month food licence pitch	2,886.00	2,886.00	0.0%
12 month retail licence pitch	2,727.00	2,727.00	0.0%
8 month food licence pitch	2,165.00	2,165.00	0.0%
8 month retail licence pitch	2,045.00	2,045.00	0.0%
4 month food licence pitch	722.00	722.00	0.0%
4 month retail licence pitch	682.00	682.00	0.0%
* These charges are shown net of VAT			
** Externally set fees and charges			

Cambridge City Council proposes not to change its current fees and charges (2021-2022) as of 1<sup>st</sup> April 2022:

### **TAXI LICENSING: FEES AND CHARGES**

<b>Drivers</b>	
Disclosure & Barring Service Check (DBS)	£40
Knowledge Test	£68
Driver Licence (new)	£250
Driver Renewal (1 Year)	£84
Driver Renewal (3 Year)	£230
Replacement Driver Badge	£21
Replacement Driver Licence	£10
Change of Details	£15
DVLA Data Check (1 Year)	£5.52
DVLA Data Check (3 Year)	£16.56
<b>Vehicles</b>	
Change of Vehicle Ownership	£74
Hackney Carriage Vehicle Licence (new)	£280.50
Private Hire Vehicle Licence (new)	£280.50
Hackney Carriage Ultra Low Emission Vehicle	£140
Private Hire Ultra Low Emission Vehicle	£140
Hackney Carriage Zero Emission Vehicle	£0
Private Hire Zero Emission Vehicle	£0
Hackney Carriage Vehicle Licence (renewal)	£245
Private Hire Vehicle Licence (renewal)	£230
Hackney Carriage Ultra Low Emission Vehicle (renewal)	£122.50
Private Hire Ultra Low Emission Vehicle (renewal)	£115
Hackney Carriage Zero Emission Vehicle (renewal)	£0
Hackney Carriage Zero Emission Vehicle (renewal)	£0
Private Hire Vehicle Plate Deposit	£51
Door Crests (magnetic)	£8
Door Crests (adhesive)	£6
Replacement Plate	£25
Replacement Vehicle Licence	£10
Change of Details	£15
<b>Training</b>	
Fee for Customer Awareness: Safeguarding, Equality & Protection Training	£53
<b>Operators</b>	
Private Hire Operator's licence (new)	£292
Private Hire Operator's licence (renewal – 1 yearly)	£218
Private Hire Operator's licence (renewal – 5 yearly)	£894.50
Replacement Operator Licence	£10
Change of Details	£15

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APPENDIX C – CONSULTATION RESPONSES – ANNUAL REVIEW OF LICENSING FEES AND CHARGES 2022/23

Response Number	Comment	Cambridge City Council Response
1	<p>If the Council proposes NOT to change its current fees and charges; what is the proposed report actually about ( if you don't intend to change anything)?</p> <p>Yours sincerely</p>	<p>Cambridge City Council are required to review all our Licensing and associated Fees and Charges on an annual basis. This is within the policy and report is required to go in front of Committee Members to be approved or amended.</p> <p>The report covers all fees and Charges, not only those related to taxi licensing, however taxi fees and charges are required to be consulted on.</p> <p>I hope the above answers your query.</p> <p>Kind regards,</p>
2	<p>Dear Sir or Madam</p> <p>I was interested to read your consultation on taxi licensing fees. I believe that the fees should be increased in line with the consumer prices index, unless there is a clear argument why licensing costs have increased/reduce out of proportion to this.</p> <p>Yours faithfully</p>	<p>Dear Sir,</p> <p>Thank you for consultation response.</p> <p>Please accept my sincere apologies for the delay in getting back to you.</p>

APPENDIX C – CONSULTATION RESPONSES – ANNUAL REVIEW OF LICENSING FEES AND CHARGES 2022/23

		<p>In regards to the below, the Council needs to demonstrate that the fees it charges for taxi licensing fees are set out in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible. In line with the Local Government (Miscellaneous Provisions) Act 1976, fees should be set so as to avoid either a surplus or a subsidy where possible, and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.</p> <p>Last year due to the Covid pandemic and the impact it is had on the many businesses including the taxi trade, it was agreed by Members to maintain the 2020 fees and charges for 2021/2022. As this has proved to be an ongoing situation, we are proposing no changes to be made again for the financial year 2022/2023.</p> <p>If in subsequent years, we identify there has been a surplus or a subsidy caused by maintaining the fees and charges, fees and charges will be</p>
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APPENDIX C – CONSULTATION RESPONSES – ANNUAL REVIEW OF LICENSING FEES AND CHARGES 2022/23

		<p>adjusted as to achieve the correct balance.</p> <p>I hope the above provides you further details as to why we are proposing the no change again this year.</p> <p>Please advise if you would like to proceed with your objection or withdrawal in light of the above information.</p>
<p>3 (response to council response for no. 2 response)</p>	<p>Dear Wangari Njiiri</p> <p>Thank you for your email. Most other businesses that are affected by COVID still have to pay increased costs despite this, so no, I wouldn't feel it appropriate to withdraw my objection.</p> <p>The normal way to support taxi drivers would be to allow them to increase the fees they charge, but that doesn't fall within the scope of the consultation.</p> <p>Yours sincerely</p>	
<p>4</p>	<p>Hi just a quickie,</p> <p>Thank you for this consideration, I'm not so sure we're into calm waters yet, so anything that can help .... if good help for the trade!</p> <p>Kind Regards</p>	<p>Acknowledgement E-mail sent</p>

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Item

## SEX ESTABLISHMENT LICENSING POLICY

**To:**

Licensing Committee 31/01/2021

**Report by:**

Luke Catchpole, Senior Technical Officer

Tel: 01223 - 457818 Email: luke.catchpole@cambridge.gov.uk

**Wards affected:**

All

### 1. Introduction

- 1.1 Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'sexual entertainment venues' (SEVs) and gives local authorities the power to regulate and licence lap dancing clubs and similar venues under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The new powers enable these types of establishment to be licensed in the same way as sex shops, rather than as pubs and clubs and give councils greater scope and discretion as to how those venues are controlled within their areas. The new measures came into effect on 6<sup>th</sup> April 2010.
- 1.3 Government guidance recommends as good practice for Licensing Authorities to have a Statement of Licensing Policy for Sex Establishments. In October 2016, the Licensing Committee approved a Sex Establishment Licensing Policy. The policy and accompanying conditions are attached to the report as Appendix A.
- 1.4 The policy statement has been kept under review prior to October 2021.
- 1.5 The process to start the review began in April 2021 and a twelve week public consultation took place between 10<sup>th</sup> May 2021 and 1<sup>st</sup> August 2021.

- 1.6 The purpose of this report is to inform committee of the responses received as a result of the consultation exercise, thereby enabling them to consider those responses in reviewing the policy.

## **2. Recommendations**

- 2.1 Members are recommended:

To consider the results of the public consultation exercise as summarised as Appendix B of this report;

Approve the Sex Establishment Licensing Policy attached as Appendix C to this report;

Resolve that the policy shall have immediate effect and shall be reviewed at least every five years.

## **3. Background**

- 3.1. **History.** Sex shops and sex cinemas are classified as sex establishments, licensed under the Local Government (Miscellaneous Provisions) Act 1982. The regime gives the council wide discretion in determining whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable in a particular locality, greater flexibility on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for up to one year, also giving greater scope for review.
- 3.2 Following concerns surrounding the operation of lap-dancing / similar venues and recognition that the Licensing Act 2003 did not give sufficient powers of control, section 27 of the Policing and Crime Act 2009 created a new class of licensed sex establishment, a 'sexual entertainment venue'. By treating these premises in the same way as sex shops, the new provisions give local authorities more powers to control where and how many SEVs open and operate in their areas.
- 3.3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, relating to sex shops was adopted by full council on 19<sup>th</sup> October 1989 and the adoption was advertised in the Cambridge Evening News on 27<sup>th</sup> October 1989. On 21<sup>st</sup> October 2010 the full council resolved to adopt amended provisions introduced by section 27 of the 2009 Act as it relates to the new category of SEVs with effect from 1<sup>st</sup> December 2010. The amended provisions were advertised in the Cambridge Evening

News on 27th October and 3<sup>rd</sup> November 2010. Full council also delegated the licensing and regulatory functions to the Licensing Committee.

- 3.4 **Licensing Policy.** Although local authorities are not required to produce a statement of licensing policy relating to sex establishments, they may do so if they wish, so long as it does not prevent any individual application from being considered on its own merits at the time the application is made. Policies can contain matters such as conditions, appropriate locations, limits on numbers etc. Any changes to conditions are determined by the licensing committee.
- 3.5 **Guidance.** The Government has produced Guidance for local authorities, which are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so), in order to promote best practice and consistency across local authorities in England and Wales. Government Guidance recommends that it would be good practice for Licensing Authorities to have a statement of licensing policy for Sex Establishments. Guidance suggests that each local authority should judge each case on its individual merits.
- 3.6 **Terms, conditions and restrictions** can be imposed on a licence. The Provision of Services Regulations 2009 require any conditions to be necessary, non-discriminatory and proportionate. In practical terms this means that conditions must demonstrably be directed at attaining one of the public interest objectives of the Regulations (public policy, public security, public health, or the protection of the environment) and must go no further than is necessary to achieve such objectives.
- 3.7 **Numbers and relevant locality.** Schedule 3 of the 1982 Act allows the council to refuse applications on grounds related to the assessment of the “relevant locality”. It can also make an assessment as to the ‘character’ of the relevant locality and how many, if any, sex establishments or sex establishments of a particular kind, it considers are appropriate for that relevant locality. We currently have no limits on numbers for Sex Establishments, with all applications being considered on their individual merits.
- 3.8 One of the consultation responses received requests that the Council imposes a numerical control on the number of sex establishments in Cambridge and expressed the view that nil is the appropriate number.

- 3.9 It is important to note that even where a “nil” policy exists, applications must still be considered, and a decision made as to whether an exception should be made to the policy. It is not open to an authority to refuse or even to consider an application, which breaches its policy. The authority must always decide whether the facts of a case warrant an exception to the policy.
- 3.10 The ability to licence SEVs enables the Council to impose licence conditions for the regulation of the establishment and for the protection of performers and members of the public.
- 3.11 Numbers of premises and “relevant locality”: Schedule 3 of the 1982 Act allows the council to refuse applications on grounds related to the assessment of the “relevant locality”. It can also make an assessment as to the ‘character’ of the relevant locality and how many, if any, sex establishments or sex establishments of a particular kind, it considers are appropriate for that relevant locality.
- 3.12 There is currently one licensed sex shop in the City. No applications have been received for Sexual Entertainment Licences or for a new sex shop and cinema licence since the Policy was adopted in October 2016.
- 3.13 The Court of Appeal in *R v Peterborough City Council ex p Quietlynn* (1987) has decided that the question of what is the “relevant locality” within the meaning of the Local Government (Miscellaneous Provisions) Act is a question of fact, but cannot mean a whole town or the whole of an authority’s administrative area. The Council cannot therefore designate the whole of Cambridge as the “relevant locality” and decide that there should be no sex establishments in the whole of the City.
- 3.14 Under the current Policy the Licensing Sub-Committee could decide what was the relevant locality based on the facts of an individual application. At any hearing of the application, the Sub-Committee could look at the premises for which the licence was being sought and could hear submissions as to the locality and then decide the appropriate number of sex establishments in respect of the relevant locality or whether the character of the area was such that it was inappropriate to grant a licence at all. The Sub-Committee would also consider paragraphs 9.1 and 9.2 of the Policy in deciding whether to grant a licence. Paragraph 9.1 and 9.2 of the policy states:

*9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each*

*application upon its own merits we will not normally licence premises that are in close proximity to:*

*9.1.1 a residential area*

*9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;*

*9.1.3 a park or other recreational areas used by or for children under 16 years of age;*

*a church or other place of religious worship;*

*a community centre*

*9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users or vulnerable persons may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.*

The Sub-Committee would have the flexibility to determine the relevant locality in respect of a particular application. This could be a smaller area than the ward in which the premises were situated.

3.15 Sex Establishments Policy adopted by the Council should cohere with the other corporate visions and objectives of Cambridge City. The policy should reflect what is important for the authority in terms of its objectives, and how it sits within its wider aspirations for the area.

3.16 **Policy Review.** It is considered good practice to review the policy. It is recommended that it be reviewed every five years, in line with the Police Reform and Social Responsibility Act proposed amendment for Licensing Act 2003 policies.

## **4. Implications**

### **(a) Financial Implications**

There are no financial implications of adopting the policy.

### **(b) Staffing Implications**

Existing staff resources will apply the new policy once finalised.

### **(c) Equality and Poverty Implications**

Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. If SEV licences were granted the Council would be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons using the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions.

An Equalities Impact Assessment has been completed and is attached as Appendix D.

#### **(d) Environmental Implications**

There are no environmental implications that result from the draft policy.

#### **(e) Procurement Implications**

There are no procurement implications that result from the draft policy.

#### **(f) Community Safety Implications**

The Statement of Principles will ensure that in carrying out its statutory duties, the Licensing Authority will promote the licensing objectives.

### **5. Consultation and communication considerations**

- 5.1 In accordance with Government Code of Practice on consultation, the draft policy was subject to a 12 week public consultation between 10<sup>th</sup> May 2021 and 1<sup>st</sup> August 2021
- 5.2 Consultation was undertaken as widely as possible, including the Chief Officer of Police, businesses likely to be affected and existing and potential premises licence holders. The consultation was also available to view on Cambridge City Council website and appeared in the Cambridge News on Monday 10<sup>th</sup> May 2021.
- 5.3 Two responses were received in total. All comments have been summarised in Appendix B.

### **6. Background papers**

Background papers used in the preparation of this report:

- Local Government (Miscellaneous Provisions) Act 1982
- Cambridge City Council Sex Establishment Policy.

## **7. Appendices**

Appendix A – Cambridge City Council Sex Establishment Policy

Appendix B – Comments received from public consultation and with summary and response to the comments.

Appendix C – Proposed Sex Establishment Policy

Appendix D – Equality Impact Assessment

## **8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Senior Technical Officer, tel: 01223 - 457818, email: [luke.catchpole@cambridge.gov.uk](mailto:luke.catchpole@cambridge.gov.uk).

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## CAMBRIDGE CITY COUNCIL

### **SEX ESTABLISHMENT LICENSING POLICY**

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## **1. The City of Cambridge**

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council, in association with local partnerships wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision for the future of the City, a vision shared with Cambridge citizens and partner organisations. Our vision includes:
  - An international city which celebrates its diversity and actively tackles discrimination on gender, race, nationality, ethnic background, religion, age, disability, gender identity, and sexual orientation.
  - A city in which all citizens feel that they are listened to and have the opportunity to influence public decision making, and which values, supports and responds to individual and community initiatives.
  - A city where all citizens and organisations appreciate their duties as well as their rights, where people are free to enjoy themselves but also show consideration for others, and where the community works together to reduce harm and nuisance including by education and, where needed, robust enforcement of the law.
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
  - Promote the Authority's visions and values
  - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
  - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
  - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
  - Ensure consistent and transparent decision making

## **2. Introduction**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.
- 2.2 This policy provides Cambridge City Council's approach to the regulation of sex establishments as set out in the 1982 Act and gives guidance to the Licensing Authority when considering and making decisions on applications
- 2.3 Each application will be determined on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.

- 2.4 The Council may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. Full reasons will be given for departing from the policy.
- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19<sup>th</sup> October 1989, Cambridge City Council resolved to bring into force from 27<sup>th</sup> November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).
- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amends Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21<sup>st</sup> October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1<sup>st</sup> December 2010.
- 2.7 In carrying out our licensing functions, we will have regard to the following:
  - 2.7.1 The Local Government (Miscellaneous Provisions) Act 1982
  - 2.7.2 Any supporting regulations
  - 2.7.3 Guidance issued by Central Government
  - 2.7.4 This statement of licensing policy

We must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that we reasonably can to prevent crime and disorder in Cambridge.
- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, the , The Provision of Services Regulations 2009, and the Regulators' Code 2013 (as set out under the Legislative and Regulatory Reform Act 2006).
- 2.9 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and victimisation; and to promote equality of opportunity and good relations between persons of different racial groups.
- 2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.
- 2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.

### **3. Consultation**

3.1 In preparing this policy statement we have consulted with the following:

- the Chief Officer of Police for Cambridgeshire
- the Chief Officer of the Cambridgeshire Fire and Rescue Service
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of businesses and residents in the City of Cambridge
- the child protection agency
- other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.

3.2 We are currently reviewing the policy and the policy is open for consultation between 30<sup>th</sup> May 2016 and 21<sup>st</sup> August 2016.

3.3 We will consider the views of all those consulted prior to the policy being determined by the Licensing Committee in October 2016.

### **4. Sexual Entertainment Venues**

A Sexual entertainment venue is defined as

4.1 *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*

4.2 'Relevant entertainment' is *"any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows
- Topless Bars
- Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

4.4 The following premises are not sexual entertainment venues:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 of the 1982 Act)
- Premises which provide relevant entertainment on an infrequent basis. These are premises where-
  - a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
  - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).

4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

## 5. Sex shops and sex cinemas

5.1 Sex Establishment Licences are required for “sex cinemas” and “sex shops”.

A “Sex shop” is defined as any premises, vehicle, vessel or stall that is used for a business which consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating :

5.1.1 sex articles; or

5.1.2 other things intended for use in connection with, or for the purpose of stimulating or encouraging-

i) sexual activity

ii) acts of force or restraint which are associated with sexual activity

5.2 The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover
- other factors which appear to be materially relevant

5.3 A “sex cinema” is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

5.3.1 are concerned primarily with the portrayal of, or primarily deal with or relate to, or

are intended to stimulate or encourage-

i) sexual activity,

ii) acts of force or restraint which are associated with sexual activity; or

5.3.2 are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions

But does not include a dwelling house to which the public is not admitted.

## **6. Requirement for a Licence**

6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.

6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

## **7. Waiver**

7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits; however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

## **8. The Licensing Act 2003**

- 8.1 Premises holding a sexual entertainment licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.
- 8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.
- 8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

## **9. Location of Licensed Premises**

- 9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:
  - 9.1.1 a residential area
  - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
  - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
  - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

## **10. Commenting on licence applications**

- 10.1 Any person or organization can object to an application for a sex establishment licence.  
The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for

making objections. The objector must provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any).

10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.

10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.

10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.

10.6 No weight will be given to objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Officers will make decisions on whether objections are frivolous or vexatious and where objections are rejected the objector will be given a written reason.

## **11. Determining Applications**

11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to any observations submitted by the Chief Officer of Police and any relevant objections that we have received within the 28-day period.

11.2 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.

11.3 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:

- Previous relevant knowledge and experience of the applicant;
- The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
- Any report about the applicant and management of the premises received from statutory objectors.

## **12. Terms, conditions and restrictions**

12.1 The Council may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.

12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendices A and B to this policy.

12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.



- 13. Grounds for refusal**  
**The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.**
- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
  - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
  - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in an EEA state; or
  - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 13.2 We may refuse:  
 grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:  
 The grounds are:
    - a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
    - b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
    - c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
    - d) that the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 13.3 The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.
- 13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.
- 13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.
- 13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

## **14. Hearing**

- 14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.
- 14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.
- 14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.
- 14.4 The hearing will be conducted in accordance with our hearings procedure.
- 14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.
- 14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.
- 14.7 Applicants have a right of appeal to a Magistrates Court.

## **15. Enforcement**

- 15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.
- 15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.
- 15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/enforcement-policy>

## **16. Amendments to Policy**

- 16.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

- (a) is likely to have a significant financial effect on the licence holders, or
- (b) is likely to have a significant procedural effect on the licence holders, or

(c) is likely to have a significant effect on the community.

16.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

16.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

## **17. Integration with Council Strategies and the avoidance of duplication**

17.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy. and regulatory regimes that already place obligations on employers and operators.

17.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

## **18. Exchange of information**

18.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

18.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

## **19. Administration, exercise and delegation of functions**

19.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

19.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

## **20. Fees**

20.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/sex-establishments> We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

## **21. Effective Date and Review**

21.1 This policy statement will take effect from October 2016.

21.2 The policy statement will be kept under review and will be subject to further

review and consultation.

## **22. Contact details, advice and guidance**

- 22.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

website: [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

e-mail: [licensing@cambridge.gov.uk](mailto:licensing@cambridge.gov.uk)

telephone: 01223 457879

fax: 01223 457909

in person: Cambridge City Council, PO Box 700,  
Cambridge, CB1 0JH  
Customer Service Centre, Mandela House, 4, Regent  
Street, Cambridge, CB2 1BY (Monday to Friday 08:00-  
18:00)

Electronic applications can also be made online via the GOV.UK

website:

[www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/  
apply-1](http://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1)

- 22.2 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.
- 22.3 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

## APPENDIX B – Summary of Responses to Licensing Policy

Area of Policy	Ref	Respondent	Summary of Comments	Consideration/appraisal	Response
General		Individual Respondent	The policy should place more emphasis on the prevention of exploitation and harm to staff.	Comment considered.	The standard conditions attached to the licence would protect staff working in these venues from exploitation and harm. Any application that went before the Licensing Sub-Committee could have further conditions placed on the licence if deemed necessary. Also any premises with a licence would be inspected if any concerns were raised in regards to this issue.
Section 9 and 13	13.2	Individual Respondent	Believes that section 9 could be broader and include recreational areas used mainly by adults	Comment considered.	Section 9 gives a broad selection of areas where a SEV premises would not be licensed. 13.2 also allows other areas of concern to be taken into account when deciding to grant or refuse a licence.
Section 10	10.4	Individual Respondent	All applications should be decided by Licensing Sub-Committee even if relevant objections are not received.	Comment considered.	The legislation only states that a hearing is needed to refuse an application. A hearing is not needed to grant the licence if no relevant objections are received.
Nil Policy		Individual Respondent	Strongly recommend that Cambridge City Council introduce a “nil” policy for Sexual Entertainment Venues	Comments considered.	This was raised in 2011 when the policy was first being considered. At that time, two other

## APPENDIX B – Summary of Responses to Licensing Policy

					<p>local authorities were put forward as examples as ones that had adopted a “nil policy”. These were City of London and London Borough of Hackney. Before both adopted a “nil policy”, an extensive and comprehensive consultation was carried out. The cost of the City of London consultation was stated at costing £30,000. Harrow Council and Haringey Council have both adopted “nil policies” as well. None of the four policies have been reviewed since 2011. Cambridge City Council decided against starting a consultation into adopting a nil policy and adopted the current policy. Cambridge City has only one licensed sex shop and since 2011 no new applications have been received for SEV’s or Sex Shop and Cinema’s. Without undertaking an extensive and expensive</p>
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## APPENDIX B – Summary of Responses to Licensing Policy

					<p>consultation, a “nil policy” could not be adopted. Section 9.1 and 9.2 takes into account the location of any application for a licensed premises. Section 13.4 makes reference to not having a nil policy but the policy can be reviewed at any time. Recommendation is to adopt the amended policy without a nil policy. No evidence has been provided that Cambridge City would benefit from or needs a nil policy.</p>
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## CAMBRIDGE CITY COUNCIL

### **SEX ESTABLISHMENT LICENSING POLICY – Draft** **Policy**

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**Appendix A – Model Conditions for Sexual Entertainment Venues and Sex Establishments**

## **1. The City of Cambridge**

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council (the Licensing Authority), in association with local partnerships, wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision to lead a united city, 'One Cambridge – Fair for All', in which economic dynamism and prosperity are combined with social justice and equality. This is a vision shared with Cambridge citizens and partner organisations. Our vision includes:
  - An international city which celebrates its diversity and actively tackles discrimination on gender, race, nationality, ethnic background, religion, age, disability, gender identity, and sexual orientation.
  - A city in which all citizens feel that they are listened to and have the opportunity to influence public decision making, and which values, supports and responds to individual and community initiatives.
  - A city where all citizens and organisations appreciate their duties as well as their rights, where people are free to enjoy themselves but also show consideration for others, and where the community works together to reduce harm and nuisance including by education and, where needed, robust enforcement of the law.
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
  - Promote the Authority's visions and values
  - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
  - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
  - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
  - Ensure consistent and transparent decision making
- 1.5 The City of Cambridge was awarded purple flag status in September 2019. A Purple Flag helps members of the public to identify town and city centres offering an entertaining, diverse, safe and enjoyable night out.

## **2. Introduction**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.

- 2.2 This policy provides Cambridge City Council's approach to the regulation of sex establishments as set out in the 1982 Act and gives guidance to the Licensing Authority when considering and making decisions on applications.
- 2.3 Each application will be determined on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.
- 2.4 The Council may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. Full reasons will be given for departing from the policy.
- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19<sup>th</sup> October 1989, Cambridge City Council resolved to bring into force from 27<sup>th</sup> November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).
- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amended Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21<sup>st</sup> October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1<sup>st</sup> December 2010.
- 2.7 In carrying out our licensing functions, Cambridge City Council will have regard to the following:
- The Local Government (Miscellaneous Provisions) Act 1982
  - Any supporting regulations
  - Guidance issued by Central Government
  - This statement of licensing policy
- Cambridge City Council must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that can be reasonably done to prevent crime and disorder in Cambridge.
- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, The Provision of Services Regulations 2009, and the Regulators' Code 2013 (as set out under the Legislative and Regulatory Reform Act 2006).
- 2.9 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.
- 2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate refuse service on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or display discriminatory signs.

- 2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.
- 2.12 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or schedules issued under the Act.

### **3. Consultation**

- 3.1 In preparing this policy statement we have consulted with the following:
- the Chief Officer of Police for Cambridgeshire
  - the Chief Officer of the Cambridgeshire Fire and Rescue Service
  - persons/bodies representative of local holders of premises licences
  - persons/bodies representative of local holders of club premises certificates
  - persons/bodies representative of businesses and residents in the City of Cambridge
  - the child protection agency
  - other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.
- 3.2 The policy has been reviewed and was open for consultation between 10<sup>th</sup> May 2021 and 1<sup>st</sup> August 2021.
- 3.3 The views of all those consulted have been considered prior to the policy being determined by the Licensing Committee in January 2022

### **4. Sexual Entertainment Venues**

- 4.1 A Sexual entertainment venue is defined as:
- 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*
- 4.2 'Relevant entertainment' is *"any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":
- Lap dancing

- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows
- Topless Bars
- Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is “relevant entertainment” will depend on the content of the entertainment and not the name it is given.

#### 4.4 The following premises are not sexual entertainment venues:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 of the 1982 Act)
- Premises which provide relevant entertainment on an infrequent basis. These are premises where-
  - a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
  - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

#### 4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).

#### 4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

### 5. Sex shops and sex cinemas

#### 5.1 Sex Establishment Licences are required for “sex cinemas” and “sex shops”. A “Sex shop” is defined as any premises, vehicle, vessel or stall that is used for a business which consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating :

##### 5.1.1 sex articles; or

##### 5.1.2 other things intended for use in connection with, or for the purpose of stimulating or encouraging-

##### i) sexual activity

##### ii) acts of force or restraint which are associated with sexual activity

5.2 The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will

consider:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover
- other factors which appear to be materially relevant

5.3 A “sex cinema” is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

5.3.1 are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-

- i) sexual activity,
- ii) acts of force or restraint which are associated with sexual activity; or

5.3.2 are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions

But does not include a dwelling house to which the public is not admitted.

## **6. Requirement for a Licence**

6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.

6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

## **7. Waiver**

7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits; however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 In order for a waiver to be considered, an applicant must provide the basic

information included in the application form, and any other information that we may reasonably require in order to make our decision.

- 7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

## **8. The Licensing Act 2003**

- 8.1 Premises holding a sexual entertainment licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.
- 8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.
- 8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

## **9. Location of Licensed Premises**

- 9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:
- 9.1.1 a residential area
  - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
  - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
  - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

## **10. Commenting on licence applications**

- 10.1 Any person or organization can object to an application for a sex establishment licence. The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for making objections. The objector must provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any).
- 10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.
- 10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.
- 10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.
- 10.6 No weight will be given to objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Officers will make decisions on whether objections are frivolous or vexatious and where objections are rejected the objector will be given a written reason.

## **11. Determining Applications**

- 11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to:
- the Local Government (Miscellaneous Provisions) Act 1982;
  - any supporting regulations;
  - this Sex Establishment Licensing Policy;
  - any observations submitted by the Chief Officer of Police; and
  - any relevant objections that we have received within the 28-day period.
- 11.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 11.3 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.
- 11.4 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:



- Previous relevant knowledge and experience of the applicant;
- The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
- Any report about the applicant and management of the premises received from statutory objectors.

## **12. Terms, conditions and restrictions**

- 12.1 The Council may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.
- 12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendix A to this policy.
- 12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

## **13. Grounds for refusal**

**The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.**

- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
  - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
  - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in an EEA state; or
  - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 13.2 We may refuse:
- grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:  
The grounds are:
    - a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
    - b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
    - c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
    - d) that the grant or renewal of a licence would be inappropriate having regard

to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

- 13.3 The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.
- 13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.
- 13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.
- 13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

#### **14. Hearing**

- 14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.
- 14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.
- 14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.
- 14.4 The hearing will be conducted in accordance with our hearings procedure.
- 14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.
- 14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.
- 14.7 Applicants have a right of appeal to a Magistrates Court.

#### **15. Enforcement**

- 15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.
- 15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's

obligations relating to enforcement and is consistent with the Regulators Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.

15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/enforcement-policy>

## **16. Complaints**

16.1 Where possible and appropriate the Council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

## **17. Amendments to Policy**

17.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

- (a) is likely to have a significant financial effect on the licence holders, or
- (b) is likely to have a significant procedural effect on the licence holders, or
- (c) is likely to have a significant effect on the community.

17.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

17.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

## **18. Integration with Council Strategies and the avoidance of duplication**

18.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy.  
and regulatory regimes that already place obligations on employers and operators.

18.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

## **19. Exchange of information**

19.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

19.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly

available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

## **20. Administration, exercise and delegation of functions**

- 20.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 20.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

## **21. Fees**

- 21.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/sex-establishments>  
We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

## **22. Effective Date and Review**

- 22.1 This policy statement will take effect from February 2022.
- 22.2 The policy statement will be kept under review and will be subject to further review and consultation.

## **23. Contact details, advice and guidance**

- 23.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

Website: [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

e-mail: [taxi@cambridge.gov.uk](mailto:taxi@cambridge.gov.uk)

telephone: 01223 457879

fax: 01223 457909

Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4, Regent Street, Cambridge, CB2 1BY – by appointment only between 9 am and 5.15 pm, Monday to Friday.

Electronic applications can also be made online via the GOV.UK website:

[www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1](http://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1)

- 23.2 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.
- 23.3 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

## **Appendix A – Standard Conditions**

### **SEXUAL ENTERTAINMENT VENUES**

#### **1. Exhibition of a Licence**

a) A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the premises so as to be available for inspection by the police, the fire authority and authorised officers of the Council.

#### **2. Hours of Opening and Closing**

a) The premises shall not open outside of the permitted hours stated on the licence.

#### **3. Management of Licensed Premises**

a) The licence holder or some responsible person, being 21 years of age or over, nominated by him/her in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any Police Officer or Authorised Officer of the Council or Police and give the name and address of the person nominated.

b) The name of the person responsible for the management of the premises, whether the licensee or the manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

c) All members of staff shall be easily identifiable as such. If required by the Council in writing the Licence Holder shall ensure that during the hours the premises are open for business every employee or person working in the license premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

d) The licence holder shall exhibit in a conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not permitted on the premises.

e) No other notices unless pursuant to these Regulations may be exhibited.

f) The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.

g) The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any sex article as defined.

h) The licence holder shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 1 hour of the premises opening for business and is to be available for inspection by the police and by authorised officers of the Council and police.

i) The licence holder must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence and must be complied with. All performers must sign an agreement to adhere to these House Rules.

j) Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such

written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

#### 4. Operation of the Premises

a) The Licence Holder shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

b) The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.

c) No person under the age of 18 shall be admitted to any part of the premises which issued as a sex establishment or be employed in the business of the sex establishment.

d) All persons working in the premises, including performers, shall be aged not less than 18 years old.

e) Neither the licence holder nor any employees or agent shall personally solicit custom for the sex establishment outside or in the locality of the premises.

f) The licence holder shall not permit the display outside the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises. External advertising of relevant entertainment shall not include any of the following:

- Any depiction of full nudity
- Any depiction of partial nudity
- Any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm

g) No sex articles shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or sex cinema.

h) The licence holder shall not knowingly allow the licensed premises to be the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution.

i) The licensed premises shall not be used for any purpose other than the business of a sex establishment.

j) The licensed premises shall not be open for the purposes of which a sex establishment is granted on any occasion when the Council may signify in writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.

#### 5. External Appearance

a) A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises.

b) The licence holder shall ensure that the interior of the sex establishment is not visible to persons outside the premises.

c) The exterior of the licensed premises shall be of a design and materials approved by the Council. The exterior of the premises shall consist of material and colours of a discreet nature appropriate to the character of the locality and shall be in keeping with the appearance of other premises in the vicinity. Detailed proposals for the external appearance of the premises shall be agreed with the Council's Delegated Officer within 14 days of the notification of the determination of a grant of the application for a new

premises licence. The approval shall be subject to ratification by the Council's Licensing Committee.

d) The interior and exterior of the licensed premises shall be kept in good repair and condition.

e) No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee.

f) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. Doors and openings, other than exits, which lead to parts of the premises to which public are not permitted to have access shall be clearly marked "Private".

g) No external doors shall be fixed in an open position at any time during the permitted hours.

h) The entrances, windows and openings to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

#### 6. Internal Layout and Condition of Premises

a) The licence holder shall maintain the premises in good repair and condition as well as carrying out his duties under the Health and Safety at Work etc Act 1974 and other related legislation.

b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.

c) Lighting shall be in operation continuously during the whole time that the sex establishment is open to the public.

d) Any alterations or additions to the premises shall not be made without prior written consent from the Council. A variation application will be required to make any such changes to the internal or external look of the building.

e) No fastenings shall be fitted to any booth or cubicle within the Sex Establishment. Appropriate fastenings are permitted on toilet doors.

#### 7. Provision of Relevant Entertainment

a) Any person who is providing relevant entertainment must be briefed verbally or in writing by the licence holder or his deputy about the conditions that relate to the premises and any code of conduct.

b) Any person providing relevant entertainment shall be made aware that their activities will be recorded on CCTV.

c) The performer(s) shall sign in a register that they have received briefings and these shall be retained for 12 months and made available for inspection by any Police Officer or authorised officer of the Council.

d) During any performance of relevant entertainment there must be no physical contact between the performer and any member of the public. The only exceptions are the placing of money or tokens in an item of clothing worn by the performer or in the performer's hand.

e) There shall be no penetration of a performer's genitals or anus by any means.

f) Performers shall not engage in masturbation and/or oral sex.

g) No customer shall participate in any relevant entertainment except at the consent of the performer and must remain seated at all times.

- h) No customer shall be required or encouraged to participate in any relevant entertainment against their will.
- i) No customer shall have any clothing removed during any relevant entertainment.
- j) On completion of relevant entertainment performers shall dress immediately and leave the performance area.
- k) Performers are not to solicit, exchange addresses or telephone numbers with customers, or arrange to meet customers off the premises.

#### 8. Safety and Security

- a) The licence holder shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not cause annoyance to residents and persons passing by.
- b) Relevant entertainment may only take place in 'designated areas' marked on the plan of the premises which was submitted as part of the application process.
- c) The licence holder shall have in place a policy concerning the safety of performers arriving at and leaving the premises, which shall be made in writing and made available to the Police or authorised officer of the Council or Police on request.
- d) The licence holder or deputy shall be present on the premises at all times whilst the relevant entertainment is taking place.
- e) The licence holder shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
- f) A CCTV system shall be installed in the premises to the satisfaction of the Council's Licensing Officer. The system shall efficiently record the operation of the licensed premises and shall automatically indicate the date and time of the events recorded to a standard that would be acceptable as evidence in court.

All CCTV recordings shall be securely retained for a minimum of 28 days and shall be made available at the place licensed for inspection by a police officer or an authorised officer of the Council or police.



## **SEX ESTABLISHMENT**

### **LICENCE CONDITIONS**

#### **1. Hours of Opening**

1.1 The licensed premises shall not be open to the public before 9.30 am and shall not be kept open after 8.00pm from Monday through to Saturday (inclusive)

1.2 The licensed premises shall not be open to the public on Sundays, Christmas Day or Good Friday.

#### **2. Management and Staffing of the Licensed Premises**

2.1 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

2.2 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.

2.3 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority shall reserve the right to object to persons being involved with the premises where they are unsuitable e.g. by way of previous relevant criminal convictions.

2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management. An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.

2.5 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

2.6 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.

2.7 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

2.8 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

2.9 No amusement or gaming machines of any kind, whether for prizes or otherwise, shall be kept or used upon the licensed premises at any time.

#### **3 External Appearance**

3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light-coloured screens or blinds of a type

and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

3.2 The Licensing Authority shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.

*(As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the Licensing Authority's approval)*

3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**WARNING**

***"Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age"***

**4 Maintenance and Repair**

4.1 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.

4.2 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

**5 General**

5.1 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.

5.2 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

## **SEX CINEMAS**

### **1. Exhibition of a Licence**

a) A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the premises so as to be available for inspection by the police, the fire authority and authorised officers of the Council.

### **2. Film Categories**

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- U – Universal – suitable for all
- PG – Parental Guidance – some scenes may be unsuitable for young children
- 12 – Passed only for persons of 12 years and over
- 15 – Passed only for persons of 15 years and over
- 18 – Passed only for persons of 18 years and over
- Restricted 18 – Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

### **3. Unclassified Films**

a) The licence holder must notify the Council in writing no later than 28 days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

### **4. Restricted Films**

a) Films restricted 18 (R18) may be shown at the premises only with the Council prior written consent and in accordance with the terms of any such consent.

### **5. Persons Under 18**

a) No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**"PERSONS UNDER 18 YEARS OF AGE CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME"**

b) No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

### **6. Advertising**

a) No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority as 18 or R18.

b) The licence holder shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

c) When the programme includes a film restricted 18, the licence holder shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**"CINEMA CLUB – MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 YEARS OF AGE CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME."**

### **7. Restricted 18**

a) A register of all members and all visitors, books of their guests shall be available for immediate inspection by police or an officer of the Council during any performance or at any other reasonable time.

b) Tickets shall in no circumstances be sold to persons other than to members.

## 8. Membership

a) The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

b) Membership shall be open to persons of both sexes of not less than 18 years of age.

c) Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

d) No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

g) Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitor's book and countersigned by the member. Any guest must be over the age of 18 years.

h) Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

i) Membership cards shall be personal to the member and carry a photograph of the holder.

j) Neither membership tickets nor guest tickets shall be transferable.

k) Guests may be asked for proof of identity, or of age, or of any particulars of any guest shall be produced by any member of guest if demanded by the management.

l) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

## 9. Sale of Sex Articles

a) Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

b) Where a sex shop forms part of the structure of a building containing a sex cinema there shall be no access from the sex cinema to the sex shop or from the sex shop into the sex cinema.

## 10. Display of Tariff and Charges

a) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises.

## 11. Conduct and Management of Premises

a) A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

#### 12. Internal access to cinema

a) Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers-by and/or other areas within the building that are open to the public for other activities.

b) The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

#### 13. Security

a) A member of staff to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.

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## Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther, Equality and Anti-Poverty Officer at [equalities@cambridge.gov.uk](mailto:equalities@cambridge.gov.uk) or phone 01223 457046.

Once you have drafted the EqIA please send this to [equalities@cambridge.gov.uk](mailto:equalities@cambridge.gov.uk) for checking. For advice on consulting on equality impacts, please contact Graham Saint, Strategy Officer, ([graham.saint@cambridge.gov.uk](mailto:graham.saint@cambridge.gov.uk) or 01223 457044).

<b>1. Title of strategy, policy, plan, project, contract or major change to your service</b>
Sex Establishment Licensing Policy

<b>2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)</b>
<a href="#">Sex establishments - Cambridge City Council</a>

<b>3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?</b>
To enable the council to exercise its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to Sex Establishments.
The legislation gives local authorities in England and Wales the power to regulate sex shops, sex cinemas and sexual entertainment venues and gives greater scope and discretion as to how these venues are controlled within their areas.

**4. Responsible service**

Environmental Services

**5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service?**

(Please tick all that apply)

- ☒ Residents
- ☒ Visitors
- ☒ Staff

Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):

[Click here to enter text.](#)

**6. What type of strategy, policy, plan, project, contract or major change to your service is this?**

- ☐ New
- ☐ Major change
- ☒ Minor change

**7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)**

- ☒ Yes
- ☐ No

If 'Yes' please provide details below:

Responsible authorities play a part in delivering the assessment, these include the Police and Public Health.

The proposed publishing of the Assessment has been sent to responsible authorities, those directly affected by the assessment and has been open to a public consultation. All responses received have been considered when producing the assessment.

**8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?**

Is going to Licensing Committee on 31<sup>st</sup> January 2022.



**9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?**

The assessment has been subject to a 12 week public consultation. The assessment recognises the Equality Act 2010 which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

**10. Potential impacts**

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

**(a) Age - Please also consider any safeguarding issues for children and adults at risk**

Persons under 18 are excluded from attending such venues and the legislation prohibits anyone under 18 holding a licence.

Protection of the young, elderly and vulnerable by identifying the key locations that may not be suitable for a sex establishment licensing.

**(b) Disability**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on those with a disability.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of disability.

**(c) Gender reassignment**

We do not believe that the assessment will have an impact on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of gender.

**(d) Marriage and civil partnership**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on marriage or civil partnership.

**(e) Pregnancy and maternity**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on pregnancy or maternity.

**(f) Race – Note that the protected characteristic ‘race’ refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on race.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race

**(g) Religion or belief**

The location of the premises where there may be places of public and religious meetings or services will be taken into account in determining any application.

Any objections to the licence application will be carefully considered to ensure that they are not submitted solely on the grounds of personal prejudice.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of religion.

**(h) Sex**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of gender.

**(i) Sexual orientation**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on sexual orientation.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of sexual orientation.

**(j) Other factors that may lead to inequality – in particular, please consider the impact of any changes on low income groups or those experiencing the impacts of poverty**

The assessment will have no impact on any other factors that may lead to inequality.

**11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqIA accordingly.)**

The assessment will be kept under review and will remain in existence for a period of up to 5 years. It will be subject to review and further consultation before January 2027 or as required by changes in law or other policies.

**12. Do you have any additional comments?**

None

### 13. Sign off

Name and job title of lead officer for this equality impact assessment: Luke Catchpole, Senior Technical Officer

Names and job titles of other assessment team members and people consulted: Gemma Tilley, Team Manager (Commercial & Licensing)

Date of EqlA sign off: 17th January 2022

Date of next review of the equalities impact assessment: January 2022

Date to be published on Cambridge City Council website: February 2022

**All EqlAs need to be sent to Helen Crowther, Equality and Anti-Poverty Officer. Ctrl + click on the button below to send this (you will need to attach the form to the email):**

**Send form**

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Item

## STATEMENT OF GAMBLING PRINCIPLES

**To:**

Licensing Committee 31/01/2021

**Report by:**

Luke Catchpole, Senior Technical Officer

Tel: 01223 - 457818 Email: [luke.catchpole@cambridge.gov.uk](mailto:luke.catchpole@cambridge.gov.uk)

**Wards affected:**

All

### 1. Introduction

- 1.1 Cambridge City Council, as the Licensing Authority, is required to discharge its responsibilities under the Gambling Act 2005 with a view to promoting the three licensing objectives, namely;
  - 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.
- 1.2 The Gambling Act 2005 was designed to be a light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act.
- 1.3 The Statement of Gambling Principles is required to be reviewed every three years. The current statement runs until the end of January 2022 after which a revised Statement must be in place in order for the relevant duties to be undertaken.
- 1.4 Following review of the Statement, a 12 week consultation was undertaken; no responses were received.
- 1.5 After consideration, and minor amendment, the proposed 2022-2025 Statement is presented for consideration.

## **2. Recommendations**

### **2.1 Members are recommended:**

To endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that the Statement is approved for publication.

## **3. Background**

3.1. The Gambling Act 2005 came fully into effect on 1 September 2007. It created a revised system of licensing and regulation for commercial gambling in this country. This Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:

- licence premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

3.2 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Principles that it proposes to apply in exercising its function under the Act, before each successive period of three years.

3.3 The Statement of Principles must be formulated in accordance with, and reflect, the guidance issued by the Gambling Commission and the Government Codes of Practice. The principles essentially inform the processes that the Council would normally follow in conducting its duties as the Licensing Authority.

3.4 The existing Statement of Gambling Principles for Cambridge City Council became effective in January 2019. Since this Statement was published, there has been only minor revision of the Gambling Commission guidance, with the latest guidance being produced in April 2021.



- 3.5 It is a requirement of the Act that the revised Statement must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies, defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
- 3.6 Once any revised Statement is approved by full Council, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, requires licensing authorities to subsequently publish a notice of their intention to publish the Statement or revision. There are several specific requirements in undertaking this, including appropriate publication a minimum of 28 days before the Statement of Principles comes into effect.
- 3.7 With these legal requirements in mind, the revision process commenced in August 2021 with an officer review of the existing Statement of Principles taking into account the Gambling Act 2005 and the current guidance issued by the Gambling Commission.
- 3.8 Subsequently, the revised Statement was subject to a twelve-week public consultation between 16<sup>th</sup> August 2021 to 14<sup>th</sup> November 2021. This was undertaken by directly contacting the relevant responsible authorities and resident associations and publishing the consultation on our website and in the Cambridge News on Friday 25<sup>th</sup> May 2018. A full list of those directly consulted can be found in Appendix B of the Statement of Principles (pages 45-48).
- 3.9 No responses were received in regard to the consultation.

## **4. Implications**

### **(a) Financial Implications**

The review of the Statement of Principles is a statutory function, covered by the fees paid by Licence and permit holders.

### **(b) Staffing Implications**

Existing staff resources will apply the Statement once finalised.

### **(c) Equality and Poverty Implications**

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

An Equalities Impact Assessment has been completed and is attached as Appendix E.

#### **(d) Environmental Implications**

There are no environmental implications that result from the draft policy.

#### **(e) Procurement Implications**

There are no procurement implications that result from the draft policy.

#### **(f) Community Safety Implications**

The Statement of Principles will ensure that in carrying out its statutory duties, the Licensing Authority will promote the licensing objectives.

### **5. Consultation and communication considerations**

- 5.1 In accordance with Government Code of Practice on consultation, the draft Statement of Gambling Principles was submitted for public consultation over a twelve-week period between 16<sup>th</sup> August 2021 and 14<sup>th</sup> November 2021.
- 5.2 Consultation was undertaken as widely as possible, including the Chief Officer of Police and all other responsible authorities and interested parties as required by legislation, including persons/bodies representing holders of premises licences and gaming permits, businesses and residents associations. The consultation was also available to view on Cambridge City Council website and appeared in the Cambridge News on Monday 16<sup>th</sup> August 2021. A list of those consulted can be found in Appendix B, pages 45 - 48 of the current statement of principles.

### **6. Background papers**

Background papers used in the preparation of this report:

- Gambling Act 2005
- Guidance published by the Gambling Commission in April 2021.
- Existing Statement of Gambling Principles published in January 2019.

### **7. Appendices**

Appendix A – Post consultation draft Statement of Principles

Appendix B – Statement of Principles from January 2019.

Appendix C – Equality Impact Assessment

## **8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Senior Technical Officer, tel: 01223 - 457818, email: [luke.catchpole@cambridge.gov.uk](mailto:luke.catchpole@cambridge.gov.uk).

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# **CAMBRIDGE CITY COUNCIL**



## **GAMBLING ACT 2005**

### **Statement of Principles**

**January 2022 – January 2025**

**Published: tbc**

**Effective from: tbc**

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## Introduction

Under the Gambling Act 2005 ("the 2005 Act") a regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission whose duties include licensing the operators and individuals involved in the provision of gambling and betting.

Cambridge City Council Licensing Authority recognises the potential impact of gambling and in adopting this policy; the Licensing Authority will seek to work with communities and partners. It will address the concerns of the public to maintain safe and high quality environments making Cambridge an even better place to live, work and visit. It wishes to work together with premises licence operators/ holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Cambridge City Council ("the Council"), along with other licensing authorities, has a duty under the 2005 Act to licence premises where gambling is taking place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how Cambridge City Council intends to carry out these duties.

Licensing authorities are required by Section 349 of the 2005 Act to publish a statement of principles that they propose to apply when exercising their functions in accordance with the legislation. This statement must be published every 3 years and this is the third revision. If any part of the document is amended, further consultation and re-publication is required.

The 2005 Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; 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 Gambling Act 2005.

A full list of those persons/ organisations consulted is detailed at Appendix B.

**The latest draft of this statement of principles contains the minimum of amendments and no changes to the intent or direction of the policy. In producing the final statement, the Council declares that it has regard to the Licensing objectives of the Gambling Act 2005, the guidance issued by the**



**Gambling Commission and any response from those consulted on this statement.**

This statement of principles was approved at a meeting of the Full Council on (date to be inserted). It was then published via Cambridge City Council's website on (date to be inserted).

It should be noted that this policy statement does not override any right of any person to make an application, make representation about an application or apply for review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

The full list of comments made and the consideration by the Council of these comments is available by request to the Commercial & Licensing Team, Environmental Services.

Should you have any comments in regard to this statement of principles, please send them to:

Team Manager (Commercial &  
Licensing)

Environmental Health Service  
Cambridge City Council  
PO Box 700  
Cambridge, CB1 0JH

Email:  
[commercial@cambridge.gov.uk](mailto:commercial@cambridge.gov.uk)

## PART A

### **1. The Licensing Objectives**

In exercising most of its functions under the Gambling Act 2005, the Council as the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the 2005 Act. The objectives are:

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

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Cambridge City Council is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operator licence.

However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime, this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by the Council to be attached to the licence.

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

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that: -

- Operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- Easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- The rules are fair;
- Advertising is not misleading;
- The results of events and competitions on which commercial gambling takes place are made public;

- Machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is because they will either be concerned with the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

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

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being 'harmed or exploited by gambling'; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self-barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

From 6 April 2016 premises licence holders must conduct a local risk assessment for each of their current premises. This applies to:-

- Adult Gaming Centres
- Family Entertainment Centres
- Non-Remote Betting

- Non-Remote Bingo
- Non-Remote Casinos
- Remote Betting Intermediary (trading room only)

There is also a requirement to conduct or update a risk assessment when:

- Applying for a new gambling premises licence
- Applying for a variation to a gambling premises licence
- Changes in the local environment, or the premises, warrant a risk assessment to be conducted again.

This licensing authority is aware that, as per section 153, in making decisions about premises licences and temporary use notices it should “aim to permit” the use of premises for gambling in so far as it is satisfied the application is *“in accordance with any code of practice issued by the Gambling Commission; in accordance with any relevant guidance issued by the Gambling Commission; reasonably consistent with the licensing objectives and in accordance with the authority’s statement of licensing principles”*.

As a means of assisting Licensing Authorities in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, the Gambling Commission that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following the Gambling Commission’s review of the social responsibility elements of the Licence Conditions and Codes of Practice (LCCP), the Commission have introduced a social responsibility code (SR code 10.1.1) which requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate these risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority’s statement of policy.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

Cambridge City Council has a Local Area Profile that licensees should consider when undertaking their local area risk assessments. The Local Area Profile can be found at the following link:

<https://www.cambridge.gov.uk/gambling-licensing-overview>

The Council notes the Gambling Commission's Guidance (5.34) to local authorities that *"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)"*.

## **2. Cambridge City**

Cambridge City Council is situated in Cambridgeshire, which contains a total of 5 District Councils. Cambridge combines a rich history with the vibrancy and prosperity of outstanding educational institutions and modern businesses. It is at the heart of a buoyant sub-region which is an area designed for major growth in employment and housing.

The City of Cambridge is in the east of England, 50 miles north of London. A beautiful place to live and work, Cambridge is an historic University City and market town with high quality architecture and attractive open spaces. It is also a city of national importance, being a world leader in higher education and many 21st century industries – information technology, telecommunications and commercial research, particularly the biotechnology sector.

The population of Cambridge is over 130,000. This is forecast to increase to over 150,000 in 2031 as a result of new developments

A significant characteristic of the City's population is its large and diverse student population, totaling almost 27,000 (including post graduates). This is swollen further by language students attending "summer schools", which adds to a high "churn" in our population. The proportion of older people in the City has not grown in the past 10 years.

The daytime population of the City increases significantly, with high levels of commuting into the City and very large numbers of tourists and visitors. The high day time population places pressure on the City's infrastructure and heavy demands on basic Council services such as street cleaning.

Cambridge has one of the highest qualified work forces in the East of England, and relatively speaking, the City is affluent.

This area is shown in the map at Appendix A.

### 3. Authorised Activities

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery.

**Gaming** - means playing a game of chance for a prize

**Betting** – means making or accepting a bet on the outcome of a race, competition or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not true.

**Lottery** – is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

**Private Gaming** – in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

**Domestic Betting** – between inhabitants of the same premises or between employees of the same employer is also exempt.

**Non-commercial gaming and betting** – where no part of the proceeds are for private gain may be subject to certain exemptions.

#### **4. Licences under the Gambling Act 2005**

The 2005 Act provides for 3 categories of licence as detailed below:

- Operating Licences
- Personal Licence
- Premises Licences

The Council is responsible for the issue of Premises Licences. The Gambling Commission is responsible for the issue of Operating and Personal Licences.

#### **5. The Gambling Commission**

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

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which Licensing Authorities exercise their functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## 6. Responsible Authorities

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

The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates the Local safeguarding Children's Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in Appendix C.

## 7. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

*"For the purposes of this Part 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 affected by the authorized activities, and/ or*
- b) Has business interests that might be affected by the authorized activities, or*
- c) Represents persons who satisfy paragraph a) or b)".*

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether person is an interested party. The principles are:

- Each case will be decided upon its merits. The authority will not apply a rigid rule to its decision making.
- It will have regard to the examples of considerations provided in the Gambling Commissions Guidance to licensing authorities at 8.9 to 8.17



- It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and where appropriate include organisations such as, but not limited to, partnerships, charities, faith groups and medical practices.

Interested parties can be people who are democratically elected such as Councillors and MP's. Where appropriate, this will include county, parish and town Councillors. Other than these persons, authorities should require written evidence that a person 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorized activities and/ or business interests that might be affected by the authorized activities. A letter from one of these persons requesting the representation is sufficient.

Further advice on how licensing authorities can determine whether someone is an interested party is detailed below:

- i) The approach taken by licensing authorities in determining who is an interested party is also a function that is dealt with in the Licensing Statement of Policy.
- ii) The factors that should be taken into account when determining what 'sufficiently close to the premises' means (in each case) might include:
  - 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 such as the number of customers, routes likely to be taken by those visiting the establishment; and
  - The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

## **8. Exchange of Information**

Licensing authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council has various policies relating to the sharing of information which will be considered when deciding what information to share and the process of doing so.

## 9. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and under the powers of Section 346 of the Act to instigate criminal proceedings in respect of offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavor to be:

- **Proportionate** – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimized;
- **Accountable** – regulators must be able to justify decisions and be subject to public scrutiny;
- **Consistent** – rules and standards must be coherent and implemented fairly;
- **Transparent** – regulators should be open and keep regulations simple and user friendly; and
- **Targeted** – regulation should be focused on the problem and minimize side effects.

In accordance with the Gambling Commission's Guidance, the Council will endeavor to avoid duplication with other regulatory regimes so far as possible.

Cambridge City Council has adopted and implemented a risk-based inspection programme based on:

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission (in particular Part 36)

- The principles set out in this Statement of Licensing Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

The Council shall have regard to the principles of “Better Regulation” as outlined by the Department for Business Innovation and Skills.

Bearing in mind the principle of transparency, the Council’s enforcement/ compliance protocols and written agreements are available upon request.

The Corporate Enforcement Policy can be found online here:

<https://www.cambridge.gov.uk/enforcement-policy>

## **10. Licensing Authority Functions**

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 via issuing Club Gaming Permits and/ or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

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

## **11. Public Register**

Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.

## **PART B PREMISES LICENCES**

### **1. General Principles**

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others where it is believed to be necessary.

The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing principles

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to are not a valid reason to reject applications for premises licences" (except as regards to any 'no casino resolution') and also unmet demand is not a criterion for a licensing authority.

Premises are defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, 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 can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as pleasure parks, piers, tracks or shopping malls to obtain discrete premises licences where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or

plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that *“In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.*

*Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.*

*The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”.*

*The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.*

The Council takes particular 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. In particular they should be aware of the following:*

- *The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore 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”*

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

## **2. Access Provisions**

The Gambling Commissions relevant access provisions for each premises type are below:

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/ or young persons
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensing gambling premises

### **Betting Shops**

- Access must be from a street (as per paragraph 7.21 of the guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café, the whole area would have to be licensed

### **Tracks**

- No customer should be able to access the premises from:
  - i) a casino
  - ii) an adult gaming centre

#### Bingo Premises

- No customer must be able to access the premises directly from:
  - i) a casino
  - ii) an adult gaming centre
  - iii) a betting premises, other than a track

#### Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - i) a casino
  - ii) an adult gaming centre
  - iii) a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further information on this issue, which the Council will also take into account in its decision making.

A license to use premises for gambling may be issued in relation to premises that are not going to be ready to be used for gambling in the reasonably near future.

If the construction of the premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, or does not hold (or applied for) the relevant operating licence then an application for a provisional statement may be made instead.

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at the premises, the Council will determine such applications on their merits, applying a two stage consideration process:

1. First, whether the premises ought to be permitted to be used for gambling
2. Second, whether the appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place

Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it not obliged to grant such a licence.

More information concerning the consideration of applications can be found at paragraphs 7.56-7.65 of the Guidance.

### 3. Location

The Council is aware that demand issues cannot be considered with regard to the location of the premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the guidance, 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.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits, with the onus upon the applicant showing how potential concerns can be overcome.

### 4. Planning

The Gambling Commission Guidance to Licensing Authorities states *“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling”*.

### 5. Duplication with other Regulatory regimes

The Council will seek to avoid any duplication with other statutory/ regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning 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.

When dealing with a premises licence application for finished building, the Council 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.

### 6. Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission’s Guidance to Licensing Authorities:

- **Preventing gambling from being a source of crime or disorder, being**



**associated with crime or disorder or being used to support crime.**

The Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

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

The Gambling Commission has stated that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks.

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

The Gambling Commission's Guidance to Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children). The Council will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

The Council is also aware of the Gambling Commission Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

With regard to the term 'vulnerable persons' it is noted that the Gambling Commission does not seek to offer a definition but states that "*it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs*". The Council will consider this licensing objective on a case by case basis.

## 7. Licence Conditions

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

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonable related to the scale and type of premises; and
- Reasonable in all other aspects

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. The Council will also expect the licence applicant to offer his/ her own suggestions as to the way in which the licensing objectives can be met effectively.

The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Council 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.

The Council 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. As per the Gambling Commission's Guidance, the Council 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.

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

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required. The Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Conditions in relation to stakes, fees, winning or prizes.

## **8. Door Supervisors**

The Gambling Commission advises in its guidance 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 a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/ machines is appropriate for particular cases, a consideration of whether these need to be SIA licenced or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## **9. Adult Gaming Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-exclusion schemes
- 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.

## **10. Licensed Family Entertainment Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures/ training for staff on how to deal with suspected truant school children on the premises

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

The Council will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **11. Casinos**

The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such decision will be made by the Full Council.

## 12. Bingo Premises

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

The Council also notes the Guidance at paragraph 18.8 where the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Regulations state that category B machines at bingo premises should be restricted to sub-category B3 (but not B3A) and B4 machines.

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

## 13. Betting Premises

The Council will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/ nature/ circumstances of betting machines an operator wants to offer.

## 14. Credit/ ATM's

Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATM's) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

## **15. Tracks**

The Council 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. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council 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.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-exclusion schemes
- 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.

### **Gaming Machines**

Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines (other than category D machines), these

machines should be located in areas from which children are excluded.

### Betting Machines

The Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/ nature/ circumstances of betting machines an operator wants to offer.

### Applications and Plans

The Gambling Act (Section 51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to point race tracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the 'five times rule' (commonly known as betting rings) must be indicated on the plan.

### 16. Travelling Fairs

It will fall to the Council to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Council 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, is per calendar year, 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 Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **17. Provisional Statements**

Developers may wish to apply to the Council 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.

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- a) Expects to be constructed;
- b) Expects to be altered; or
- c) Expects to acquire a right to occupy

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.

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 a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council 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.



In addition, the Council 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 objectors at the provisional statement 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 submitted with the application. This must be a substantial change to the plan and the Council notes that it can discuss any concerns it has with the applicant before making a decision.

## **18. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority to decide whether such a request will result in a review. Such a decision will be taken by considering, amongst other matters, the following:

- Any relevant code of practice or guidance issued by the Gambling Commission;
- The licensing objectives
- The Licensing Authority's Statement of Policy
- Whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence; and
- Whether the request is substantially the same as previous representations or requests for a review.
- Whether the request is substantially the same as representations made at the time the application for a premises licence was considered.

The Council, as the licensing authority, may also initiate a review of a premises licence. The purpose of such a review would be to determine whether the Council, as the licensing authority, should take any action in relation to the licence.

Following a review, the actions open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State or Scottish Ministers or remove or amend such an exclusion;
- Suspend the licence for any period not exceeding three months; and
- Revoke the licence.

In considering what action, if any, should be taken following a review the Council must have regard to the principles set out under Section 153 of the Act as well as any relevant representations.

## PART C PERMITS/ TEMPORARY & OCCASIONAL USE NOTICES

### **1. Unlicensed Family Entertainment Centre Gaming Machine Permits**

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a Premises Licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

### **2. Statement of Principles**

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits.

The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises
- How staff should deal with unsupervised young children on the premises
- How staff should deal with children causing perceived problems on or around the premises

The Council will also expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- That staff are trained to have a full understanding of the maximum stakes and prizes

### **3. Alcohol Licensed Premises Gaming Machine Permits**

Premises licensed to sell alcohol for consumption on the premises, can automatically have 2 gaming machines, of categories C and/or D. The holder of a Premises Licence under the Licensing Act 2003, authorising the sale of alcohol, will simply

need to notify the Council, and pay the prescribed fee.

The Council may 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 Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then the holder of the Premises Licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate

- that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage will also need to be considered.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### **4. Prize Gaming Permits**

Applicants for prize gaming permits should set out the types of gaming that they intend to offer. The applicant will be required to demonstrate:

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

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council may grant or refuse an application for a permit, but will not attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **5. Club Gaming and Club Machine Permits**

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. 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 Royal British Legion and clubs with political affiliations.

The Council will only refuse such an application on one or more of the following grounds;

- the applicant does not fulfil the requirements for a members’ or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant’s premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or;
- an objection has been lodged by the Gambling Commission or the Police

The Council will have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a ‘fast-track’ procedure available for clubs 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 Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit licences are reduced.

The grounds on which an application under the fast track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under s.266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, premises must comply with the Gambling Commissions Licence Conditions and Codes of Practice. There are a number of conditions in the Act that the holder must comply with.

## **6. Cancellation of Permits**

### **Gaming / Machine Permits**

The authority is able to cancel a permit. It may do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels an authority must notify the holder giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

### **Club Gaming / Club Machine Permits**

Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may not be made by an officer of the authority. Such decisions shall be dealt with by the Licensing Sub Committee.

### **Alcohol Licensed Premises Permits**

In the event of representations being received against a notice of cancellation, the matter will be determined by a licensing sub-committee. Where no representations have been received, or if they have been received but have been subsequently withdrawn, then the final decision may remain with an Officer of the Council.

## **7. Small Local Society Lotteries**

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the licensing authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form and accompanied by any necessary documents and the appropriate fee.

The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission.

Societies may wish to refer to the relevant section of the Licensing Authority's website for full details on how to register and maintain small society lottery registrations.

## **8. Exempt Gambling**

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied with and any limits on stakes and prizes are observed.

### **8.1. Non-commercial gaming**

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes;
- to enable participation in, or support of, sporting, athletic or cultural activities.

### **8.2. Non-commercial prize gaming**

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

### **8.3. Non-commercial equal chance gaming**

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

### **8.4. Private gaming**

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces.

This can include casino nights and race nights.

### **8.5. Domestic gaming**

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

### **8.6. Residential gaming**

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

### **8.7. Non-commercial and private betting**

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

### **8.8. Incidental non-commercial lottery**

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place;
- The draw must take place at the event and the results must be announced while the event is taking place;
- No rollovers are allowed;
- The maximum deduction allowed for prizes from the proceeds is £500; and
- The maximum deduction allowed for organising costs from the proceeds is £100.

## **9. Exempt gambling in pubs**

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

### **9.1. Equal chance gaming in pubs**

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

The following requirements have to be met:

- The maximum stakes and prizes for each type of game must not be exceeded



(£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage);

- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- No participation fees can be charged and no levy taken from stakes or prizes;
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

## **9.2. Bingo in pubs**

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place.

## **10. Exempt gambling in Clubs**

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes) and commercial clubs. Generally speaking the club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply.

### **10.1. Equal chance gaming in clubs**

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place.

The following requirements have to be met:

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate;
- Except for poker, there is no maximum stake or prize;
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250;
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be charged);
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

## 10.2. Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place in all types of club.

## 10.3. Bridge and Whist clubs

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

## 11. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. Gambling Commission Guidance notes that *“this definition of a ‘set of premises’ differs to ‘premises’ in Part 8 of the Act (see Part 7 of the guidance). The definition of a ‘set of premises’ will be a question of fact in the particular circumstances of each notice given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises”*.

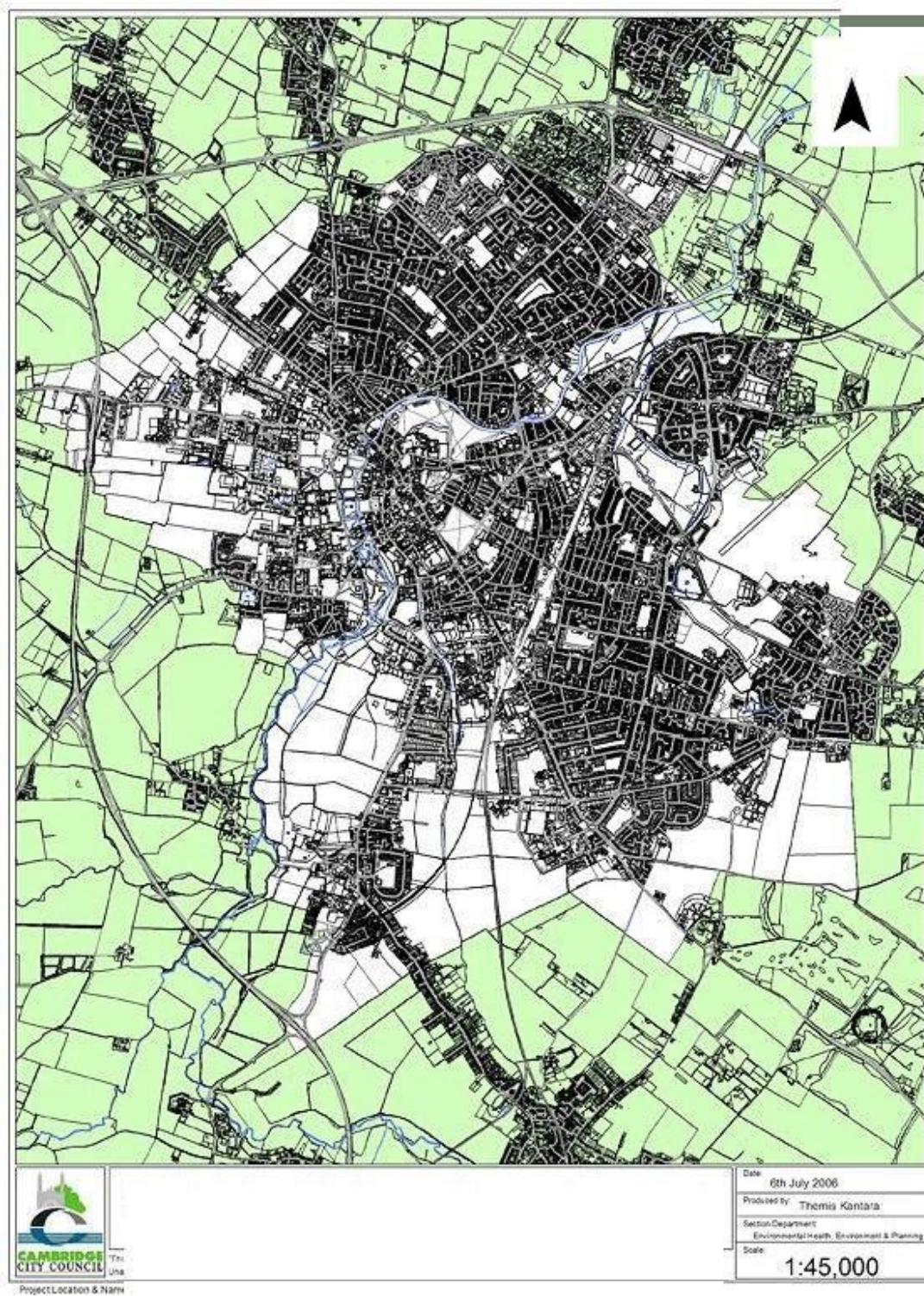
This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance.

## **12. Occasional Use Notices**

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

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## APPENDIX A



## APPENDIX B – LIST OF CONSULTEES

- Responsible Authorities
- Emma Thornton (Chief Executive Officer, Visit Cambridge and Beyond)
- Graham Saint (Consultation Working Group)
- CAMBAC Manager
- Gamestec
- Select Gaming
- Power Leisure Bookmakers Ltd
- Coral Racing Limited
- Ladbrokes Betting & Gaming Limited
- Done Brothers (Cash Betting ) Limited
- Talarius Limited
- BACTA
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- Business In Sport and Leisure (BISL)
- BALPPA
- British Institute of Inn Keeping (BII)
- The Portman Group
- British Beer and Pub Association
- Racecourse Association Ltd
- GAMCARE
- Greater Cambridge Partnership
- Cambridge & District Citizens Advice
- Cambridgeshire Chambers of Commerce

## Ward Residents Associations

<b>Abbey People</b>
<b>Riverside Area Residents Association</b>
<b>Riverside Area Residents Association</b>
<b>The Friends of Sourbridge Common</b>
<b>Histon Road Area Residents' Association (HRARA)</b>
<b>Arbury Road East RA (ARERA)</b>
<b>Darwin &amp; Akeman St (DEARA)</b>
<b>Benson Area Residents' Association *1</b>
<b>NAFRA 19 Acre Field Residents' Association</b>
<b>Storeys Way Residents' Association</b>
<b>Concerned Residents Of North West Cambridge (CRONC)</b>
<b>Windsor Road Residents Association (WIRE)</b>
<b>Oxford Road Residents' Association</b>
<b>CREW</b>
<b>Tavistock Road &amp; Stratfield Close Residents' Association</b>
<b>Richmond Road Residents' Association</b>
<b>Marion Close &amp; Sherlock Road Association</b>
<b>Sherlock Close RA</b>
<b>Madingley Road Group</b>
<b>Shelly Gardens Leaseholder's Association</b>
<b>Rustat Neighbourhood Association</b>
<b>Birdwood Area Residents' Association</b>
<b>Cherry Hinton &amp; Rathmore Road Residents' Association</b>
<b>Old Chesterton Residents Association</b>
<b>Three Trees Residents' Association</b>
<b>St Andrews Road RA</b>
<b>Fen Estates and Nuffield Road RA (FENRA)</b>
<b>Fen Road Steering Group</b>
<b>Bradmore &amp; Petersfield Residents Association</b>
<b>North Cambridge Community Partnership</b>
<b>Citygate Property Partners</b>
<b>Park Street Residents' Association</b>
<b>Christs Pieces Residents Association</b>
<b>King Street Neighbourhood Association</b>
<b>Jesus Green Association</b>
<b>Brunswick &amp; North Kite Residents Association</b>
<b>Evening Court RA</b>
<b>Radcliffe Court Residents' Association</b>
<b>Newnham Croft Conservation Group</b>
<b>North Newnham Residents Association</b>
<b>Gough Way Residents Association</b>
<b>West Cambridge Preservation Society</b>
<b>Clerk Maxwell Road Residents' Association</b>
<b>Pinehurst South Resident's Association</b>
<b>Residents' Association of Old Newnham</b>
<b>Bulstrode Gardens Residents Association</b>
<b>Barton Close Residents' Association</b>



Millington Road & Millington Lane Residents' Association
Grantchester Road Residents' Association
Hedgerley Close RA
Bradmore & Petersfield Residents Association
Glisson Road/Tenison Road Area Residents' Association
Petersfield Mansions Residents' Association
Petersfield Area Community Trust (PACT)
Mill Road Community Improvements Group
Highsett Houses Residents' Society
Guest Road Residents' Association
Highsett Flats Resident's Association
Babraham Road Action Group
Queen Edith's Way Residents' Association
Corfe Close Residents Association (CCRA)
Greenlands' Residents Association
Hills Road Residents' Association
Blinco Grove Residents' Association
Greville Road RA
Monteal Square Residents' Association
East Mill Road Action Group EMRAG
Romsey Action
Mill Road Society
Empty Common Allotment Society
Gazeley Lane Residents' Association
Brookside Residents Association
Hanover & Princess Court Residents' Association
Bateman Street & Bateman Mews Residents Association
Trumpington Residents Association
Norwich Street Residents' Association
Southacre Latham Road and Chaucer Road RA (SOLACHRA)
Accordia Community and Resident's Association (ACRA)
Brooklands Avenue Area Residents' Association
North Newtown Residents' Association
Newtown Residents' Association
Applecourt Residents' Association
Fenners Lawn Residents' Association
BENERA (Bentley and Newton Road Residents' Association)
Victoria Park Residents Working Group
Friends of Mitcham's Corner
Mitchams Corner Residents' & Traders' Association (MCRTA)
Mulberry Close (Leys Road, Cambridge) Residents' Society Ltd
Milton Road RA (MRRRA)
Ascham Road Residents' Association
Gurney Way (& Atherton Close) Residents Association
Highworth Avenue CB
Hurst Park Estate Residents' Association (HPERA) *3
Sandy Lane Residents' Association
Cambridge Valley Forum
Federation of Cambridge Residents' Associations

## **APPENDIX C – Responsible Authorities**

### **The Licensing Authority**

Commercial & Licensing, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

Tel: 01223 457879 Fax: 01223 457909

e-mail: [commercial@cambridge.gov.uk](mailto:commercial@cambridge.gov.uk)

### **The Gambling Commission**

Victoria Square House, Victoria Square, Birmingham, B2 4BP

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### **The Chief Officer of Police**

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG

Telephone: 01223 823397 Fax: 01223 823232

### **The Fire and Rescue Authority**

Fire Protection, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF

Email: [danny.hans@cambsfire.gov.uk](mailto:danny.hans@cambsfire.gov.uk)

### **Planning Authority**

Environment & Planning, Cambridge City Council, The Guildhall, Cambridge, CB2 3QJ

Telephone: 01223 457100

e-mail: [planning@cambridge.gov.uk](mailto:planning@cambridge.gov.uk)

### **Environmental Health**

The Environmental Health Manager, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

Telephone: 01223 457890 Fax: 01223 457909 e-mail:

[env.services@cambridge.gov.uk](mailto:env.services@cambridge.gov.uk)

### **Local Safeguarding Children Board**

Child Protection Services, Licensing Applications, OCYPS, PO Box 144, St Ives, Cambs, PE27 9AU

Telephone: 03450455203

[Referralcentre2.children@cambridgeshire.gov.uk](mailto:Referralcentre2.children@cambridgeshire.gov.uk)

### **HM Revenues and Customs**

Excise Processing Teams, BX9 1GL, United Kingdom



In addition, for vessels:

**Environment Agency**

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency,  
Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR.

Telephone: 01733 464072

e-mail: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk), quoting Great Ouse & Stour  
Waterways

**Conservators of the River Cam**

The River Manager

Conservators of the River Cam

Baits Bite Lock, Fen Road, Milton, Cambridge, CB24 6AF

Telephone/Fax 01223 863785

e-mail [river.manager@camconservators.org.uk](mailto:river.manager@camconservators.org.uk)

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MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/SUB COMMITTEE	OFFICERS	COUNCIL SOLICITOR
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting-when appropriate		✓		
Application for premises licences		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a variation to a licence		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		✓		
Application for club gaming/club machine permits		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club machine permits		✓		
Application for other permits			✓	
Cancellation of licensed premises gaming machine permits			✓	
Consideration of Temporary Use Notices			✓	
Decision to give a counter Notice to a Temporary Use Notice		✓		
Determination as to whether a person is an interested party				✓
Determination as to whether				✓

representations are relevant				
Determination as whether a representation is frivolous, vexatious or repetitive				✓
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				✓
Responsibility for attaching to premises licences Mandatory, Default and Specific Conditions			✓	
Representative of Licensing Authority who can initiate a Licence review				✓
Representative of Licensing Authority who can reject an application for a Licence review				✓

## APPENDIX E – GLOSSARY OF TERMS

**Admissible Representations:** - representations submitted by a Responsible Authority or Interested Party.

**Authorised Local Authority Officer:** - a Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.

**Authorised Person:** - a licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at work, etc. Act 1974;
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; &
- A person in a class prescribed in regulations by the Secretary of State.

**Automated Roulette Equipment:** - equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.

**Automatic Conditions:** - conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.

**AWP machines:** - Amusement with Prize Machines

**BACTA:** - the British Amusement Catering Trade Association

**Betting Intermediary:** - someone who offers services via remote communication, such as the internet.

**Betting Ring:** - an area that is used for temporary 'on course' betting facilities.

**Bingo:** - a game of equal chance.

**Casino:** - an arrangement whereby people are given an opportunity to participate in one or more casino games.

**Casino Games:** - games of chance that are not equal chance gaming.

**Casino Premises Licence Categories:** - regional, large, small, casinos permitted under transitional arrangements.

**Casino Resolution:** - resolution concerning whether or not to issue Casino Premises Licences.

**Child:** - an individual who is less than 16 years old.

**Christmas Day Period:** - the period of 24 hours from midnight on 24 December.

**Club Gaming Machine Permit:** - a permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

**Club Gaming Permit:** - a permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

**Complex Lottery:** - an arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

**Conditions:** - conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority
- Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

**Customer Lotteries:** - lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

**Default Conditions:** - conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

**Delegated Powers:** - decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.

**Disorders:** - in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

**Domestic Computer:** - one used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.

**Dual Use Computer:** - definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

**Equal Chance Gaming:** - games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

**EBT:** - Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.

**Exempt Lotteries:** - lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non Commercial Lotteries

- Private Lotteries
- Customer Lotteries

**External Lottery Manager:** - an individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

**Fixed Odds Betting:** - general betting on tracks.

**Gaming:** - prize gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming and where the prizes are determined by the operator before the play commences.

**Gaming Machine:** - a machine used for gambling under all types of gambling activity, including betting on virtual events.

**Guidance to Licensing Authorities:** - guidance issued by the Gambling Commission dated September 2015 (updated September 2016).

**Inadmissible Representation:** - a representation not made by a Responsible Authority or Interested Party.

**Incidental non-commercial lottery:** - a lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.

**Information Exchange:** - exchanging of information with other regulatory bodies under the Gambling Act.

**Interested Party:** - a person who in the opinion of the Licensing Authority

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - Has business interests that might be affected by the authorised activities, or
  - Represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.
- In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered: -
- The size and nature of the premises to be licensed.
  - The distance of the premises from the location of the person making the representation.
  - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
  - The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
  - The catchment area of the premises (i.e. how far people travel to visit).
  - Whether the person making the representation has business interests that might be affected in that catchment area.

**Irrelevant Representations:** - representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

**Large Lottery:** - where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

**Licensed Lottery:** - large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

**Licensing Objectives:** - there are three objectives

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

**Live Gambling:** - gambling on a live game as it happens.

**Lottery:** - an arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

**Lottery Tickets:** - every lottery must have tickets for each chance

- Identifying the promoting society
- Stating the price of the ticket, which must be the same for all tickets
- Stating the name and address of the member of the society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.

**Mandatory Conditions:** - conditions that must be attached to a Premises Licence, to a class of Premises Licence or licences for specified circumstances.

**Members Club:** - a club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.

**Non-commercial event:** - an event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

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

**Occasional Use Notice:** - a notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.

**Off Course Betting:** - betting that takes place other than at a track, i.e. at a licensed betting shop.

**Off Course Betting:** - betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

**On Course Betting:** - betting that takes place on a track while races are taking place.

**Operating Licence:** - a licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.

**Permit:** - an authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.

**Personal Licence:** - a licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.

**Pool Betting (Tracks):** - pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

**Premises:** - 'any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

**Premises Licence:** - a licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premises only but one set of premises may have separate licences issued in respect of different parts of the building.

**Private lottery:** - there are three types of private lottery

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises

**Prize Gaming:** - gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

**Prize Gaming Permit:** - a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

**Provisional Statement:** - an application to the Licensing Authority in respect of premises that are

- Expected to be constructed
- Expected to be altered
- Expected to acquire a right to occupy

**Relevant Representations:** - representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

**Responsible Authorities:** - public bodies for the area in which the premises are mainly or wholly situated

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service
- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults



- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

**Simple Lottery:** - an arrangement where

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class and
- The prizes are allocated by a process which relies wholly on chance.

**SWP:** - a Skills-with-Prizes machine

**Skills with Prizes machine:** - a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWPs are unregulated.

**Small Lottery:** - where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

**Small Society Lottery:** - a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

**Small Operations:** - independent on course betting operators with only one or two employees or a bookmaker running just one shop.

**Statement of Principles:** - matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

**Temporary Use Notice:** - a notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.

**Travelling Fair:** - a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

**Vehicles:** - includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.

**Vessel:** - anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.

**Virtual Betting:** - gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

**Vulnerable Persons:** - no set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

**Young Person:** - an individual who is over 16 years of age but who is under 18 years of age.

## **Appendix F – Links to documents referenced**

Gambling Commission guidance to Licensing Authorities

[Guidance to licensing authorities - Gambling Commission](#)

Licence Conditions and Codes of Practice (LCCP)

[Licence Conditions and Codes of Practice - Gambling Commission](#)

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# **CAMBRIDGE CITY COUNCIL**



## **GAMBLING ACT 2005**

### **Statement of Principles**

**January 2019 – January 2022**

**Published: 3<sup>rd</sup> January 2019**

**Effective from: 31<sup>st</sup> January 2019**

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## Introduction

Under the Gambling Act 2005 ("the 2005 Act" a regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission whose duties include licensing the operators and individuals involved in the provision of gambling and betting.

Cambridge City Council Licensing Authority recognises the potential impact of gambling and in adopting this policy; the Licensing Authority will seek to work with communities and partners. It will address the concerns of the public to maintain safe and high quality environments making Cambridge an even better place to live, work and visit. It wishes to work together with premises licence operators/ holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Cambridge City Council ("the Council"), along with other licensing authorities, has a duty under the 2005 Act to licence premises where gambling is taking place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how Cambridge City Council intends to carry out these duties.

Licensing authorities are required by Section 349 of the 2005 Act to publish a statement of principles that they propose to apply when exercising their functions in accordance with the legislation. This statement must be published every 3 years and this is the third revision. If any part of the document is amended, further consultation and re-publication is required.

The 2005 Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; 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 Gambling Act 2005.

A full list of those persons/ organisations consulted is detailed at Appendix B.

**The latest draft of this statement of principles contains the minimum of amendments and no changes to the intent or direction of the policy. In producing the final statement, the Council declares that it has regard to the Licensing objectives of the Gambling Act 2005, the guidance issued by the**

**Gambling Commission and any response from those consulted on this statement.**

This statement of principles was approved at a meeting of the Full Council on (date to be inserted). It was then published via Cambridge City Council's website on (date to be inserted).

It should be noted that this policy statement does not override any right of any person to make an application, make representation about an application or apply for review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

The full list of comments made and the consideration by the Council of these comments is available by request to the Commercial & Licensing Team, Environmental Services.

Should you have any comments in regard to this statement of principles, please send them to:

Team Manager (Commercial &

Licensing)

Environmental Health Service

Cambridge City Council

PO Box 700

Cambridge, CB1 0JH

Email:

[commercial@cambridge.gov.uk](mailto:commercial@cambridge.gov.uk)

## PART A

### **1. The Licensing Objectives**

In exercising most of its functions under the Gambling Act 2005, the Council as the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the 2005 Act. The objectives are:

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

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Cambridge City Council is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operator licence.

However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime, this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by the Council to be attached to the licence.

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

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that: -

- Operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- Easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- The rules are fair;
- Advertising is not misleading;
- The results of events and competitions on which commercial gambling takes place are made public;



- Machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is because they will either be concerned with the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

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

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self-barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

The Gambling Commission has stated (5.2) *“The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”*

From 6 April 2016 premises licence holders must conduct a local risk assessment for each of their current premises. This applies to:-

- Adult Gaming Centres
- Family Entertainment Centres
- Non-Remote Betting

- Non-Remote Bingo
- Non-Remote Casinos
- Remote Betting Intermediary (trading room only)

There is also a requirement to conduct or update a risk assessment when:

- Applying for a new gambling premises licence
- Applying for a variation to a gambling premises licence
- Changes in the local environment, or the premises, warrant a risk assessment to be conducted again.

This licensing authority is aware that, as per section 153, in making decisions about premises licences and temporary use notices it should “aim to permit” the use of premises for gambling in so far as it is satisfied the application is *“in accordance with any code of practice issued by the Gambling Commission; in accordance with any relevant guidance issued by the Gambling Commission; reasonably consistent with the licensing objectives and in accordance with the authority’s statement of licensing principles”*.

As a means of assisting Licensing Authorities in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, the Gambling Commission request that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following the Gambling Commission’s review of the social responsibility elements of the Licence Conditions and Codes of Practice (LCCP), the Commission have introduced a social responsibility code (SR code 10.1.1) which requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate these risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority’s statement of policy.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

Cambridge City Council has a Local Area Profile that licensees should consider when undertaking their local area risk assessments. The Local Area Profile can be found at the following link:

<https://www.cambridge.gov.uk/gambling-licensing-overview>

The Council notes the Gambling Commission's Guidance (5.34) to local authorities that *"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)"*.

## **2. Cambridge City**

Cambridge City Council is situated in Cambridgeshire, which contains a total of 5 District Councils. Cambridge combines a rich history with the vibrancy and prosperity of outstanding educational institutions and modern businesses. It is at the heart of a buoyant sub-region which is an area designed for major growth in employment and housing.

The City of Cambridge is in the east of England, 50 miles north of London. A beautiful place to live and work, Cambridge is an historic University City and market town with high quality architecture and attractive open spaces. It is also a city of national importance, being a world leader in higher education and many 21st century industries – information technology, telecommunications and commercial research, particularly the biotechnology sector.

The population of Cambridge is over 130,000. This is forecast to increase to over 150,000 in 2031 as a result of new developments

A significant characteristic of the City's population is its large and diverse student population, totaling almost 27,000 (including post graduates). This is swollen further by language students attending "summer schools", which adds to a high "churn" in our population. The proportion of older people in the City has not grown in the past 10 years.

The daytime population of the City increases significantly, with high levels of commuting into the City and very large numbers of tourists and visitors. Last year over 5 million people visited the City. The high day time population places pressure on the City's infrastructure and heavy demands on basic Council services such as street cleaning.

Cambridge has one of the highest qualified work forces in the East of England, and relatively speaking, the City is affluent.

This area is shown in the map at Appendix A.

### **3. Authorised Activities**

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery.

**Gaming** - means playing a game of chance for a prize

**Betting** – means making or accepting a bet on the outcome of a race, competition or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not true.

**Lottery** – is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

**Private Gaming** – in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

**Domestic Betting** – between inhabitants of the same premises or between employees of the same employer is also exempt.

**Non-commercial gaming and betting** – where no part of the proceeds are for private gain may be subject to certain exemptions.

#### **4. Licences under the Gambling Act 2005**

The 2005 Act provides for 3 categories of licence as detailed below:

- Operating Licences
- Personal Licence
- Premises Licences

The Council is responsible for the issue of Premises Licences. The Gambling Commission is responsible for the issue of Operating and Personal Licences.

#### **5. The Gambling Commission**

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

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which Licensing Authorities exercise their functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## 6. Responsible Authorities

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

The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates the Local safeguarding Children's Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in Appendix C.

## 7. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

*"For the purposes of this Part 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 affected by the authorised activities, and/ or*
- b) Has business interests that might be affected by the authorised activities, or*
- c) Represents persons who satisfy paragraph a) or b)".*

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether person is an interested party. The principles are:

- Each case will be decided upon its merits. The authority will not apply a rigid rule to its decision making.
- It will have regard to the examples of considerations provided in the Gambling Commissions Guidance to licensing authorities at 8.9 to 8.17

- It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and where appropriate include organisations such as, but not limited to, partnerships, charities, faith groups and medical practices.

Interested parties can be people who are democratically elected such as Councillors and MP's. Where appropriate, this will include county, parish and town Councillors. Other than these persons, authorities should require written evidence that a person 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/ or business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Further advice on how licensing authorities can determine whether someone is an interested party is detailed below:

- i) The approach taken by licensing authorities in determining who is an interested party is also a function that is dealt with in the Licensing Statement of Policy.
- ii) The factors that should be taken into account when determining what 'sufficiently close to the premises' means (in each case) might include:
  - 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 such as the number of customers, routes likely to be taken by those visiting the establishment; and
  - The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

## **8. Exchange of Information**

Licensing authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council has various policies relating to the sharing of information which will be considered when deciding what information to share and the process of doing so.

## 9. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and under the powers of Section 346 of the Act to instigate criminal proceedings in respect of offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavor to be:

- **Proportionate** – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimized;
- **Accountable** – regulators must be able to justify decisions and be subject to public scrutiny;
- **Consistent** – rules and standards must be coherent and implemented fairly;
- **Transparent** – regulators should be open and keep regulations simple and user friendly; and
- **Targeted** – regulation should be focused on the problem and minimize side effects.

In accordance with the Gambling Commission's Guidance, the Council will endeavor to avoid duplication with other regulatory regimes so far as possible.

Cambridge City Council has adopted and implemented a risk-based inspection programme based on:

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission (in particular Part 36)



- The principles set out in this Statement of Licensing Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

The Council shall have regard to the principles of “Better Regulation” as outlined by the Department for Business Innovation and Skills.

Bearing in mind the principle of transparency, the Council’s enforcement/ compliance protocols and written agreements are available upon request.

The Corporate Enforcement Policy can be found online here:

<https://www.cambridge.gov.uk/enforcement-policy>

## **10. Licensing Authority Functions**

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 via issuing Club Gaming Permits and/ or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

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

## **11. Public Register**

Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.

## **PART B PREMISES LICENCES**

### **1. General Principles**

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others where it is believed to be necessary.

The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing principles

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to are not a valid reason to reject applications for premises licences" (except as regards to any 'no casino resolution') and also unmet demand is not a criterion for a licensing authority.

Premises are defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, 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 can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as pleasure parks, piers, tracks or shopping malls to obtain discrete premises licences where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or

plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that *“In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.*

*Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.*

*The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”.*

*The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.*

The Council takes particular 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. In particular they should be aware of the following:*

- *The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore 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”*

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

## **2. Access Provisions**

The Gambling Commissions relevant access provisions for each premises type are below:

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/ or young persons
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensing gambling premises

### **Betting Shops**

- Access must be from a street (as per paragraph 7.21 of the guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café, the whole area would have to be licensed

## Tracks

- No customer should be able to access the premises from:
  - i) a casino
  - ii) an adult gaming centre

## Bingo Premises

- No customer must be able to access the premises directly from:
  - i) a casino
  - ii) an adult gaming centre
  - iii) a betting premises, other than a track

## Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - i) a casino
  - ii) an adult gaming centre
  - iii) a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further information on this issue, which the Council will also take into account in its decision making.

A license to use premises for gambling may be issued in relation to premises that are not going to be ready to be used for gambling in the reasonably near future.

If the construction of the premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, or does not hold (or applied for) the relevant operating licence then an application for a provisional statement may be made instead.

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at the premises, the Council will determine such applications on their merits, applying a two stage consideration process:

1. First, whether the premises ought to be permitted to be used for gambling
2. Second, whether the appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place

Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it not obliged to grant such a licence.

More information concerning the consideration of applications can be found at paragraphs 7.56-7.65 of the Guidance.

### 3. Location

The Council is aware that demand issues cannot be considered with regard to the location of the premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the guidance, 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.

### 4. Planning

The Gambling Commission Guidance to Licensing Authorities states *“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling”*.

The Local Authority is aware of s210 of the Gambling Act and will have regard to this in any decision made.

### 5. Duplication with other Regulatory regimes

The Council will seek to avoid any duplication with other statutory/ regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning 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.

When dealing with a premises licence application for finished building, the Council 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.

### 6. Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission’s Guidance to Licensing Authorities:

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

The Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

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

The Gambling Commission has stated that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks.

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

The Gambling Commission's Guidance to Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children). The Council will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

The Council is also aware of the Gambling Commission Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

With regard to the term 'vulnerable persons' it is noted that the Gambling Commission does not seek to offer a definition but states that "*it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs*". The Council will consider this licensing objective on a case by case basis.

## 7. Licence Conditions

Mandatory and default conditions will be added to premises license's as per the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.

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

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonable related to the scale and type of premises; and
- Reasonable in all other aspects

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. The Council will also expect the licence applicant to offer his/ her own suggestions as to the way in which the licensing objectives can be met effectively.

The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Council 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.

The Council 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. As per the Gambling Commission's Guidance, the Council 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.

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

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required. The Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Conditions in relation to stakes, fees, winning or prizes.

## **8. Door Supervisors**

The Gambling Commission advises in its guidance 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 a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/ machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## **9. Adult Gaming Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-exclusion schemes

- 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.

## **10. Licensed Family Entertainment Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures/ training for staff on how to deal with suspected truant school children on the premises

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

The Council will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **11. Casinos**

The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such decision will be made by the Full Council.

## **12. Bingo Premises**

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

The Council also notes the Guidance at paragraph 18.8 where the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Regulations state that category B machines at bingo premises should be restricted to sub-category B3 (but not B3A) and B4 machines.

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

## **13. Self-Service Betting Terminals (SSBTs) in Betting Premises**

The Council will, as per s181 of the Gambling Act 2005, 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 SSBTs by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of SSBTs an operator wants to offer.

## **14. Credit/ ATM's**

Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the

provision of credit.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATM's) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

## **15. Tracks**

The Council 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. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council 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.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-exclusion schemes
- 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.

Gaming Machines

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

### Betting Machines

The Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/ nature/ circumstances of betting machines an operator wants to offer.

### Applications and Plans

The Gambling Act (Section 51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgment about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point race tracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the 'five times rule' (commonly known as betting rings) must be indicated on the plan.

## **16. Travelling Fairs**

It will fall to the Council to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more

than an ancillary amusement at the fair is met.

The Council 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, is per calendar year, 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 Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **17. Provisional Statements**

Developers may wish to apply to the Council 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.

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- a) Expects to be constructed;
- b) Expects to be altered; or
- c) Expects to acquire a right to occupy

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.

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 a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council 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.

In addition, the Council 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 objectors at the provisional statement 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 submitted with the application. This must be a substantial change to the plan and the Council notes that it can discuss any concerns it has with the applicant before making a decision.

## **18. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority to decide whether such a request will result in a review. Such a decision will be taken by considering, amongst other matters, the following:

- Any relevant code of practice or guidance issued by the Gambling Commission;
- The licensing objectives
- The Licensing Authority's Statement of Policy
- Whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence; and
- Whether the request is substantially the same as previous representations or requests for a review.
- Whether the request is substantially the same as representations made at the time the application for a premises licence was considered.

The Council, as the licensing authority, may also initiate a review of a premises licence. The purpose of such a review would be to determine whether the Council, as the licensing authority, should take any action in relation to the licence.

Following a review, the actions open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State or Scottish Ministers or remove or amend such an exclusion;
- Suspend the licence for any period not exceeding three months; and
- Revoke the licence.

In considering what action, if any, should be taken following a review the Council must have regard to the principles set out under Section 153 of the Act as well as any relevant representations.

## **PART C PERMITS/ TEMPORARY & OCCASIONAL USE NOTICES**

### **1. Unlicensed Family Entertainment Centre Gaming Machine Permits**

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a Premises Licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

### **2. Statement of Principles**

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits.

The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises
- How staff should deal with unsupervised young children on the premises
- How staff should deal with children causing perceived problems on or around the premises

The Council will also expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- That staff are trained to have a full understanding of the maximum stakes and prizes



### **3. Alcohol Licensed Premises Gaming Machine Permits**

Premises licensed to sell alcohol for consumption on the premises, can automatically have 2 gaming machines, of categories C and/or D. The holder of a Premises Licence under the Licensing Act 2003, authorising the sale of alcohol, will simply need to notify the Council, and pay the prescribed fee.

The Council may 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 Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then the holder of the Premises Licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate

- that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage will also need to be considered.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### **4. Prize Gaming Permits**

Applicants for prize gaming permits should set out the types of gaming that they intend to offer. The applicant will be required to demonstrate:

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

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council may grant or refuse an application for a permit, but will not attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **5. Club Gaming and Club Machine Permits**

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. 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 Royal British Legion and clubs with political affiliations.

The Council will only refuse such an application on one or more of the following grounds;

- the applicant does not fulfill the requirements for a members’ or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant’s premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or;
- an objection has been lodged by the Gambling Commission or the Police

The Council will have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a ‘fast-track’ procedure available for clubs 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 Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit licences are reduced.

The grounds on which an application under the fast track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under s.266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, premises must comply with the Gambling Commissions Licence Conditions and Codes of Practice. There are a number of conditions in the Act that the holder must comply with.

## **6. Cancellation of Permits**

### **Gaming / Machine Permits**

The authority is able to cancel a permit. It may do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels an authority must notify the holder giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

### **Club Gaming / Club Machine Permits**

Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may not be made by an officer of the authority. Such decisions shall be dealt with by the Licensing Sub Committee.

### **Alcohol Licensed Premises Permits**

In the event of representations being received against a notice of cancellation, the matter will be determined by a licensing sub-committee. Where no representations have been received, or if they have been received but have been subsequently withdrawn, then the final decision may remain with an Officer of the Council.

## **7. Small Local Society Lotteries**

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the licensing authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form and accompanied by any necessary documents and the appropriate fee.

The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission.

Societies may wish to refer to the relevant section of the Licensing Authority's website for full details on how to register and maintain small society lottery

registrations.

## **8. Exempt Gambling**

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied with and any limits on stakes and prizes are observed.

### **8.1. Non-commercial gaming**

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes;
- to enable participation in, or support of, sporting, athletic or cultural activities.

### **8.2. Non-commercial prize gaming**

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

### **8.3. Non-commercial equal chance gaming**

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

### **8.4. Private gaming**

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces.

This can include casino nights and race nights.

### **8.5. Domestic gaming**

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

### **8.6. Residential gaming**

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

### **8.7. Non-commercial and private betting**

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

### **8.8. Incidental non-commercial lottery**

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place;
- The draw must take place at the event and the results must be announced while the event is taking place;
- No rollovers are allowed;
- The maximum deduction allowed for prizes from the proceeds is £500; and
- The maximum deduction allowed for organising costs from the proceeds is £100.

## **9. Exempt gambling in pubs**

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

### **9.1. Equal chance gaming in pubs**

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

The following requirements have to be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage);
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- No participation fees can be charged and no levy taken from stakes or prizes;
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

## **9.2. Bingo in pubs**

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place.

## **10. Exempt gambling in Clubs**

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes) and commercial clubs. Generally speaking the club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply.

### **10.1. Equal chance gaming in clubs**

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place.

The following requirements have to be met:

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate;
- Except for poker, there is no maximum stake or prize;
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250;
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be charged);

- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

## **10.2. Bingo in clubs**

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place in all types of club.

## **10.3. Bridge and Whist clubs**

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

## **11. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. Gambling Commission Guidance notes that *“this definition of a ‘set of premises’ differs to ‘premises’ in Part 8 or the Act (see Part 7 of the guidance). The definition of a ‘set of premises’ will be a question of fact in the particular circumstances of each notice given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises”*.

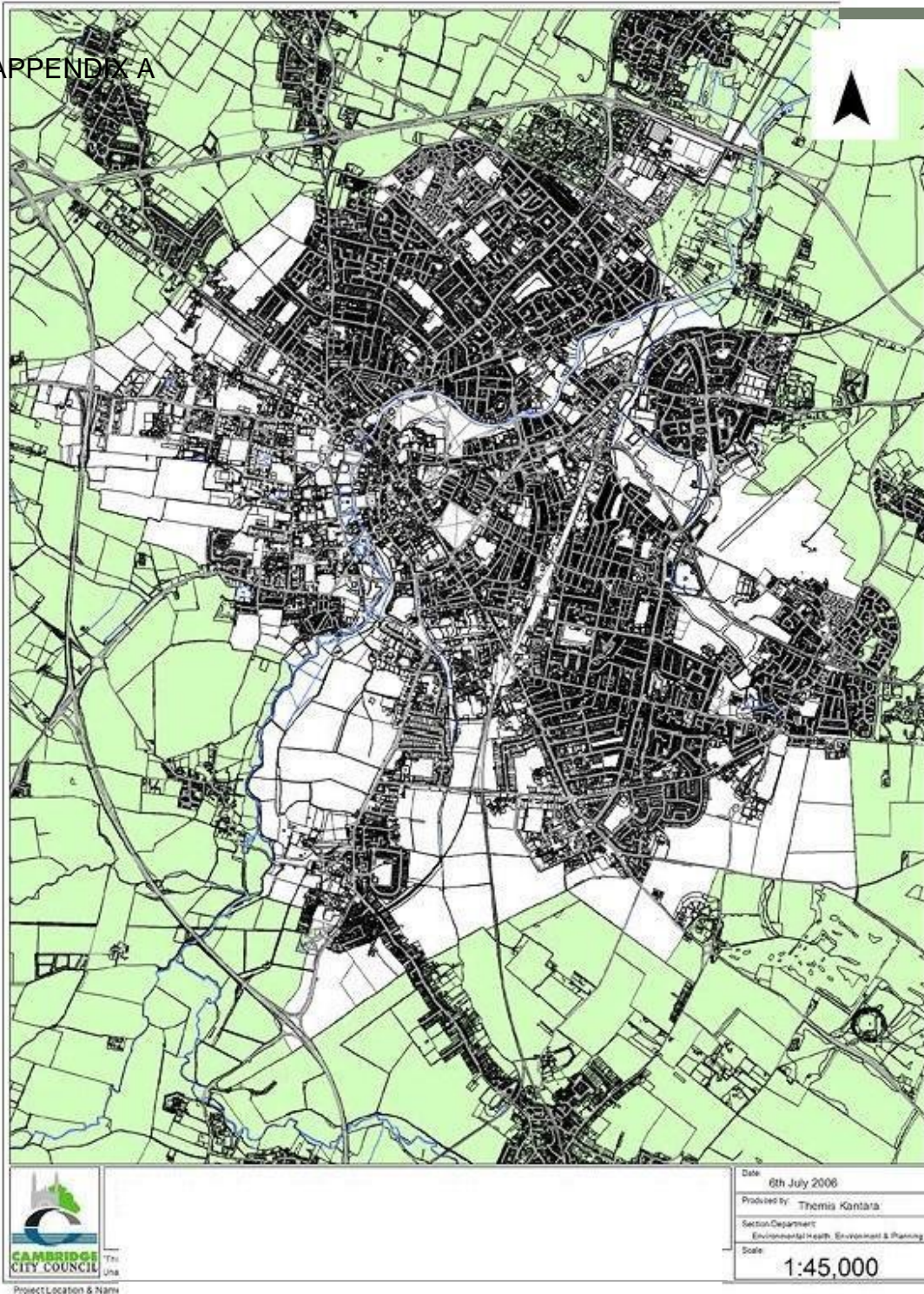
This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance.



## **12. Occasional Use Notices**

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

# APPENDIX A



## APPENDIX B – LIST OF CONSULTEES

- Responsible Authorities
- Emma Thornton (Chief Executive Officer, Visit Cambridge and Beyond)
- Graham Saint (Consultation Working Group)
- Adam Ratcliffe (CAMBAC Manager)
- Gamestec
- Select Gaming
- Power Leisure Bookmakers Ltd
- Coral Racing Limited
- Ladbrokes Betting & Gaming Limited
- Done Brothers (Cash Betting ) Limited
- Talarius Limited
- BACTA
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- Business In Sport and Leisure (BISL)
- BALPPA
- British Institute of Inn Keeping (BII)
- The Portman Group
- British Beer and Pub Association
- Racecourse Association Ltd
- GAMCARE
- Greater Cambridge Partnership
- Cambridge & District Citizens Advice
- Cambridgeshire Chambers of Commerce

## Ward Residents Associations

<b>Abbey People</b>
<b>Riverside Area Residents Association</b>
<b>Riverside Area Residents Association</b>
<b>The Friends of Sourbridge Common</b>
<b>Histon Road Area Residents' Association (HRARA)</b>
<b>Arbury Road East RA (ARERA)</b>
<b>Darwin &amp; Akeman St (DEARA)</b>
<b>Benson Area Residents' Association *1</b>
<b>NAFRA 19 Acre Field Residents' Association</b>
<b>Storeys Way Residents' Association</b>
<b>Concerned Residents Of North West Cambridge (CRONC)</b>
<b>Windsor Road Residents Association (WIRE)</b>
<b>Oxford Road Residents' Association</b>
<b>CREW</b>
<b>Tavistock Road &amp; Stratfield Close Residents' Association</b>
<b>Richmond Road Residents' Association</b>
<b>Marion Close &amp; Sherlock Road Association</b>
<b>Sherlock Close RA</b>
<b>Madingley Road Group</b>
<b>Shelly Gardens Leaseholder's Association</b>
<b>Rustat Neighbourhood Association</b>
<b>Birdwood Area Residents' Association</b>
<b>Cherry Hinton &amp; Rathmore Road Residents' Association</b>
<b>Old Chesterton Residents Association</b>
<b>Three Trees Residents' Association</b>
<b>St Andrews Road RA</b>
<b>Fen Estates and Nuffield Road RA (FENRA)</b>
<b>Fen Road Steering Group</b>
<b>Bradmore &amp; Petersfield Residents Association</b>
<b>North Cambridge Community Partnership</b>
<b>Citygate Property Partners</b>
<b>Park Street Residents' Association</b>
<b>Christs Pieces Residents Association</b>
<b>King Street Neighbourhood Association</b>
<b>Jesus Green Association</b>
<b>Brunswick &amp; North Kite Residents Association</b>
<b>Evening Court RA</b>
<b>Radcliffe Court Residents' Association</b>
<b>Newnham Croft Conservation Group</b>
<b>North Newnham Residents Association</b>
<b>Gough Way Residents Association</b>
<b>West Cambridge Preservation Society</b>
<b>Clerk Maxwell Road Residents' Association</b>
<b>Pinehurst South Resident's Association</b>
<b>Residents' Association of Old Newnham</b>
<b>Bulstrode Gardens Residents Association</b>
<b>Barton Close Residents' Association</b>

Millington Road & Millington Lane Residents' Association
Grantchester Road Residents' Association
Hedgerley Close RA
Bradmore & Petersfield Residents Association
Glisson Road/Tenison Road Area Residents' Association
Petersfield Mansions Residents' Association
Petersfield Area Community Trust (PACT)
Mill Road Community Improvements Group
Highsett Houses Residents' Society
Guest Road Residents' Association
Highsett Flats Resident's Association
Babraham Road Action Group
Queen Edith's Way Residents' Association
Corfe Close Residents Association (CCRA)
Greenlands' Residents Association
Hills Road Residents' Association
Blinco Grove Residents' Association
Greville Road RA
Monteal Square Residents' Association
East Mill Road Action Group EMRAG
Romsey Action
Mill Road Society
Empty Common Allotment Society
Gazeley Lane Residents' Association
Brookside Residents Association
Hanover & Princess Court Residents' Association
Bateman Street & Bateman Mews Residents Association
Trumpington Residents Association
Norwich Street Residents' Association
Southacre Latham Road and Chaucer Road RA (SOLACHRA)
Accordia Community and Resident's Association (ACRA)
Brooklands Avenue Area Residents' Association
North Newtown Residents' Association
Newtown Residents' Association
Applecourt Residents' Association
Fenners Lawn Residents' Association
BENERA (Bentley and Newton Road Residents' Association)
Victoria Park Residents Working Group
Friends of Mitcham's Corner
Mitchams Corner Residents' & Traders' Association (MCRTA)
Mulberry Close (Leys Road, Cambridge) Residents' Society Ltd
Milton Road RA (MRRRA)
Ascham Road Residents' Association
Gurney Way (& Atherton Close) Residents Association
Highworth Avenue CB
Hurst Park Estate Residents' Association (HPERA) *3
Sandy Lane Residents' Association
Cambridge Valley Forum
Federation of Cambridge Residents' Associations



## **APPENDIX C – Responsible Authorities**

### **The Licensing Authority**

Commercial & Licensing, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

Tel: 01223 457879 Fax: 01223 457909

e-mail: [commercial@cambridge.gov.uk](mailto:commercial@cambridge.gov.uk)

### **The Gambling Commission**

Victoria Square House, Victoria Square, Birmingham, B2 4BP

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### **The Chief Officer of Police**

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG

Telephone: 01223 823397 Fax: 01223 823232

### **The Fire and Rescue Authority**

Fire Protection, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF

Email: [danny.hans@cambsfire.gov.uk](mailto:danny.hans@cambsfire.gov.uk)

### **Planning Authority**

Environment & Planning, Cambridge City Council, The Guildhall, Cambridge, CB2 3QJ

Telephone: 01223 457100

e-mail: [planning@cambridge.gov.uk](mailto:planning@cambridge.gov.uk)

### **Environmental Health**

The Environmental Health Manager, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

Telephone: 01223 457890 Fax: 01223 457909 e-mail:

[env.services@cambridge.gov.uk](mailto:env.services@cambridge.gov.uk)

### **Local Safeguarding Children Board**

Child Protection Services, Licensing Applications, OCYPS, PO Box 144, St Ives, Cambs, PE27 9AU

Telephone: 03450455203

[Referralcentre2.children@cambridgeshire.gov.uk](mailto:Referralcentre2.children@cambridgeshire.gov.uk)

### **HM Revenues and Customs**

Excise Processing Teams, BX9 1GL, United Kingdom

In addition, for vessels:

**Environment Agency**

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency,  
Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR.

Telephone: 01733 464072

e-mail: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk), quoting Great Ouse & Stour  
Waterways

**Conservators of the River Cam**

The River Manager

Conservators of the River Cam

Baits Bite Lock, Fen Road, Milton, Cambridge, CB24 6AF

Telephone/Fax 01223 863785

e-mail [river.manager@camconservators.org.uk](mailto:river.manager@camconservators.org.uk)

# APPENDIX D List of Authorisation

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/SUB COMMITTEE	OFFICERS	COUNCIL SOLICITOR
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting-when appropriate		✓		
Application for premises licences		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a variation to a licence		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		✓		
Application for club gaming/club machine permits		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club machine permits		✓		
Application for other permits			✓	
Cancellation of licensed premises gaming machine permits			✓	
Consideration of Temporary Use Notices			✓	
Decision to give a counter Notice to a Temporary Use Notice		✓		
Determination as to whether a person is an interested party				✓
Determination as to whether				✓



representations are relevant				
Determination as whether a representation is frivolous, vexatious or repetitive				✓
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				✓
Responsibility for attaching to premises licences Mandatory, Default and Specific Conditions			✓	
Representative of Licensing Authority who can initiate a Licence review				✓
Representative of Licensing Authority who can reject an application for a Licence review				✓

## APPENDIX E – GLOSSARY OF TERMS

**Admissible Representations:** - representations submitted by a Responsible Authority or Interested Party.

**Authorised Local Authority Officer:** - a Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.

**Authorised Person:** - a licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at work, etc. Act 1974;
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; &
- A person in a class prescribed in regulations by the Secretary of State.

**Automated Roulette Equipment:** - equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.

**Automatic Conditions:** - conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.

**AWP machines:** - Amusement with Prize Machines

**BACTA:** - the British Amusement Catering Trade Association

**Betting Intermediary:** - someone who offers services via remote communication, such as the internet.

**Betting Ring:** - an area that is used for temporary 'on course' betting facilities.

**Bingo:** - a game of equal chance.

**Casino:** - an arrangement whereby people are given an opportunity to participate in one or more casino games.

**Casino Games:** - games of chance that are not equal chance gaming.

**Casino Premises Licence Categories:** - regional, large, small, casinos permitted under transitional arrangements.

**Casino Resolution:** - resolution concerning whether or not to issue Casino Premises Licences.

**Child:** - an individual who is less than 16 years old.

**Christmas Day Period:** - the period of 24 hours from midnight on 24 December.

**Club Gaming Machine Permit:** - a permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

**Club Gaming Permit:** - a permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

**Complex Lottery:** - an arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

**Conditions:** - conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority
- Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

**Customer Lotteries:** - lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

**Default Conditions:** - conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

**Delegated Powers:** - decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.

**Disorders:** - in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

**Domestic Computer:** - one used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.

**Dual Use Computer:** - definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

**Equal Chance Gaming:** - games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

**EBT:** - Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.

**Exempt Lotteries:** - lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non Commercial Lotteries

- Private Lotteries
- Customer Lotteries

**External Lottery Manager:** - an individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

**Fixed Odds Betting:** - general betting on tracks.

**Gaming:** - prize gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming and where the prizes are determined by the operator before the play commences.

**Gaming Machine:** - a machine used for gambling under all types of gambling activity, including betting on virtual events.

**Guidance to Licensing Authorities:** - guidance issued by the Gambling Commission dated September 2015 (updated September 2016).

**Inadmissible Representation:** - a representation not made by a Responsible Authority or Interested Party.

**Incidental non-commercial lottery:** - a lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.

**Information Exchange:** - exchanging of information with other regulatory bodies under the Gambling Act.

**Interested Party:** - a person who in the opinion of the Licensing Authority

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - Has business interests that might be affected by the authorised activities, or
  - Represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.
- In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered: -
- The size and nature of the premises to be licensed.
  - The distance of the premises from the location of the person making the representation.
  - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
  - The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
  - The catchment area of the premises (i.e. how far people travel to visit).
  - Whether the person making the representation has business interests that might be affected in that catchment area.

**Irrelevant Representations:** - representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

**Large Lottery:** - where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

**Licensed Lottery:** - large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

**Licensing Objectives:** - there are three objectives

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

**Live Gambling:** - gambling on a live game as it happens.

**Lottery:** - an arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

**Lottery Tickets:** - every lottery must have tickets for each chance

- Identifying the promoting society
- Stating the price of the ticket, which must be the same for all tickets
- Stating the name and address of the member of the society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.

**Mandatory Conditions:** - conditions that must be attached to a Premises Licence, to a class of Premises Licence or licences for specified circumstances.

**Members Club:** - a club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.

**Non-commercial event:** - an event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

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

**Occasional Use Notice:** - a notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.

**Off Course Betting:** - betting that takes place other than at a track, i.e. at a licensed betting shop.

**Off Course Betting:** - betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

**On Course Betting:** - betting that takes place on a track while races are taking place.

**Operating Licence:** - a licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.

**Permit:** - an authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.

**Personal Licence:** - a licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.

**Pool Betting (Tracks):** - pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

**Premises:** - 'any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

**Premises Licence:** - a licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premises only but one set of premises may have separate licences issued in respect of different parts of the building.

**Private lottery:** - there are three types of private lottery

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises

**Prize Gaming:** - gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

**Prize Gaming Permit:** - a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

**Provisional Statement:** - an application to the Licensing Authority in respect of premises that are

- Expected to be constructed
- Expected to be altered
- Expected to acquire a right to occupy

**Relevant Representations:** - representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

**Responsible Authorities:** - public bodies for the area in which the premises are mainly or wholly situated

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service
- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults

- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

**Simple Lottery:** - an arrangement where

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class and
- The prizes are allocated by a process which relies wholly on chance.

**SWP:** - a Skills-with-Prizes machine

**Skills with Prizes machine:** - a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWPs are unregulated.

**Small Lottery:** - where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

**Small Society Lottery:** - a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

**Small Operations:** - independent on course betting operators with only one or two employees or a bookmaker running just one shop.

**Statement of Principles:** - matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

**Temporary Use Notice:** - a notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.

**Travelling Fair:** - a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

**Vehicles:** - includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.

**Vessel:** - anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.

**Virtual Betting:** - gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

**Vulnerable Persons:** - no set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

**Young Person:** - an individual who is over 16 years of age but who is under 18 years of age.

## **Appendix F – Links to documents referenced**

Gambling Commission guidance to Licensing Authorities (5<sup>th</sup> edition)

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

Licence Conditions and Codes of Practice (LCCP)

<http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>



## Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther, Equality and Anti-Poverty Officer at [equalities@cambridge.gov.uk](mailto:equalities@cambridge.gov.uk) or phone 01223 457046.

Once you have drafted the EqIA please send this to [equalities@cambridge.gov.uk](mailto:equalities@cambridge.gov.uk) for checking. For advice on consulting on equality impacts, please contact Graham Saint, Strategy Officer, ([graham.saint@cambridge.gov.uk](mailto:graham.saint@cambridge.gov.uk) or 01223 457044).

<b>1. Title of strategy, policy, plan, project, contract or major change to your service</b>
Review of Statement of Gambling Principles

<b>2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)</b>
<a href="#">Statement of gambling principles consultation - Cambridge City Council</a>

<b>3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?</b>
The statement must be reviewed and published every three years. The review has been to update the statement to make sure it is current and follows any new guidance issued since 2019. Only minimal changes have been made to the statement to reflect the updated guidance.

<b>4. Responsible service</b>
Environmental Services

<b>5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service?</b>  <b>(Please tick all that apply)</b>	<input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/> Staff
--	--

Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):

[Click here to enter text.](#)

<b>6. What type of strategy, policy, plan, project, contract or major change to your service is this?</b>	<input type="checkbox"/> New <input type="checkbox"/> Major change <input checked="" type="checkbox"/> Minor change
---	---

<b>7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	--

If 'Yes' please provide details below:

Responsible authorities play a part in delivering the assessment, these include the Police and Public Health.

The proposed publishing of the Assessment has been sent to responsible authorities, those directly affected by the assessment and has been open to a public consultation. All responses received have been considered when producing the assessment.

<b>8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?</b>
---

Is going to Licensing Committee on 31<sup>st</sup> January 2022.

<b>9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?</b>
--

The policy has been subject to a 12 week public consultation. The consultation was advertised on the Cambridge City Council website, an advert appeared in Cambridge News and responsible authorities directly contacted (including the police and the local child safeguarding board). People could respond via email or in writing. No responses were received.

The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, other agencies, local liaison groups, businesses and individuals towards the achievement of the licensing objectives through good practice.

The policy recognises the Equality Act 2010, including s149 of the Act which is the Public Sector Equality Duty. The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

## **10. Potential impacts**

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

### **(a) Age - Please also consider any safeguarding issues for children and adults at risk**

One of the licensing objectives is protecting children and other vulnerable persons from being harmed or exploited by gambling (see pages 7 to 8 of the Statement of Principles for more information). The policy helps support this objective. The Local Safeguarding Children Board is a responsible authority and is recognised as being competent to advise on matters relating to the protection of children from harm.

During the review of the policy, they were consulted as a responsible authority and no response was received.

The safeguarding for children and vulnerable adults policy of Cambridge City Council will also be considered when determining licensing applications.

### **(b) Disability**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on those with a disability.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of disability.

**(c) Gender reassignment**

We do not believe that the assessment will have an impact on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of gender.

**(d) Marriage and civil partnership**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on marriage or civil partnership.

**(e) Pregnancy and maternity**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on pregnancy or maternity.

**(f) Race – Note that the protected characteristic ‘race’ refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on race.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race

**(g) Religion or belief**

We do not believe that the policy will impact negatively on this target group. The policy has been open to a public consultation and no responses have been received in regards to the policy impacting on religion. The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of religion.

**(h) Sex**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of gender.

**(i) Sexual orientation**

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on sexual orientation.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of sexual orientation.

**(j) Other factors that may lead to inequality – in particular, please consider the impact of any changes on low income groups or those experiencing the impacts of poverty**

The policy will have no impact on any other factors that may lead to inequality. One of the licensing objectives in regards to gambling is protecting children and other vulnerable persons from being harmed or exploited by gambling.

**11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqIA accordingly.)**

The assessment will be kept under review and will remain in existence for a period of up to 3 years. It will be subject to review and further consultation before January 2025 or as required by changes in law or other policies.

## 12. Do you have any additional comments?

The licensing objectives also include preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime and ensuring that gambling is conducted in a fair and open way.

As a means of assisting Licensing Authorities in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, the Gambling Commission request that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following the Gambling Commission's review of the social responsibility elements of the Licence Conditions and Codes of Practice (LCCP), the Commission have introduced a social responsibility code (SR code 10.1.1) which requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate these risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

Cambridge City Council has a Local Area Profile that licensees should consider when undertaking their local area risk assessments. The Local Area Profile can be found at the following link:

<https://www.cambridge.gov.uk/gambling-licensing-overview>

## 13. Sign off

Name and job title of lead officer for this equality impact assessment: Luke Catchpole, Senior Technical Officer

Names and job titles of other assessment team members and people consulted: Gemma Tilley, Team Manager (Commercial & Licensing)

Date of EqlA sign off: 17th January 2022

Date of next review of the equalities impact assessment: January 2025

Date to be published on Cambridge City Council website: February 2022

**All EqlAs need to be sent to Helen Crowther, Equality and Anti-Poverty Officer. Ctrl + click on the button below to send this (you will need to attach the form to the email):**

**Send form**