

COUNCIL

Mr J Overton
Chairman of the Council

Mr G Minshull
Vice-Chairman of the Council

Agenda

Date

Monday 10 December 2018

Time

7.30 pm

Place

Council Chamber
South Norfolk House
Cygnet Court
Long Stratton Norwich
NR15 2XE

Group Meetings

Conservatives:
Cavell & Colman Rooms 6.15 pm

Liberal Democrats:
Blomefield Room 6.30 pm

Contact

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This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.

**If you have any special requirements in order to attend this meeting,
please let us know in advance**

Large print version can be made available

Agenda

1. **Apologies for Absence**

2. **Urgent Items:**

Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100 B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. **To Receive Declarations of Interest from Members**

(please see guidance – page 5)

4. **To confirm the minutes of the meetings of the Council held on Monday 17 September and Thursday 4 October 2018**

(attached – pages 7 and 12)

5. **Chairman's Announcements**

(engagements attached – page 15)

6. **To consider any petitions received under Section I of the "Rights of the Public at Meetings"**

7. **Monitoring Officer Report**

(report attached – page 17)

8. **Statement of Gambling Policy**

(report attached – page 23)

9. **(a) Recommendations from the Cabinet for the meeting held on 5 November 2018**

Treasury Management Quarter 2 2018/19

(page 73 of the Cabinet agenda)

RESOLVED:	TO RECOMMEND THAT COUNCIL:
	<p>a) Notes the treasury activity for the first half of the year and that it complies with the agreed strategy.</p> <p>b) Approves the 2018/19 prudential indicators for the first six months of the year.</p> <p>c) Amends the Treasury Management Strategy for 2018/19 so that the Council can invest in Money Market Funds that have converted to LVNAV pricing as set out in 5.9.</p>

(b) Recommendations from the Cabinet for the meeting held on 10 December 2018;

Conservation Area Boundaries and Appraisals for Bramerton, Brockdish, Saxlingham Green, Saxlingham Nethergate and Shotesham

(NOTE: the recommendations arising from this meeting will be tabled at the meeting)

10. Questions to Chairmen and Portfolio Holders

To take questions from Councillors and the Public

Note: Time allocated to be at the discretion of the Chairman. No notice is required of questions; however, it may be necessary for written answers to be provided where an immediate response cannot be supplied. If members choose to submit questions in writing in advance, they will be circulated before the meeting.

- a. **Cabinet** Please [click here](#) to view the most recent Cabinet minutes available

Questions to the Leader and other Cabinet members:

John Fuller	Leader, The Economy and External Affairs
Michael Edney	Growth and Resources
Yvonne Bendle	Housing, Leisure, Wellbeing and Early Intervention
Keith Kiddie	Stronger Communities
Kay Mason Billig	Shared Services, Waste and Recycling
Lisa Neal	Regulation and Public Safety

- b. **Scrutiny Committee - Questions to the Chairman**

Please [click here](#) to view the most recent Scrutiny Committee minutes

- c. **Licensing Appeals and Complaints Committee / Licensing and Gambling Acts Committee – Questions to the Chairman;**

Please [click here](#) to view the most recent Licensing Committee minutes

- d. **Development Management Committee – Questions to the Chairman**

Please [click here](#) to view the most recent Development Management Committee minutes

e. Electoral Arrangements Review Committee – Questions to the Chairman

Please [click here](#) to view the most recent Electoral Arrangements Review Committee minutes

11. Outside Bodies – Feedback from Representatives:

(report from Cllr C Kemp regarding the Norfolk Police and Crime Panel attached – page 68)



DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. affect yours, or your spouse / partner's financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

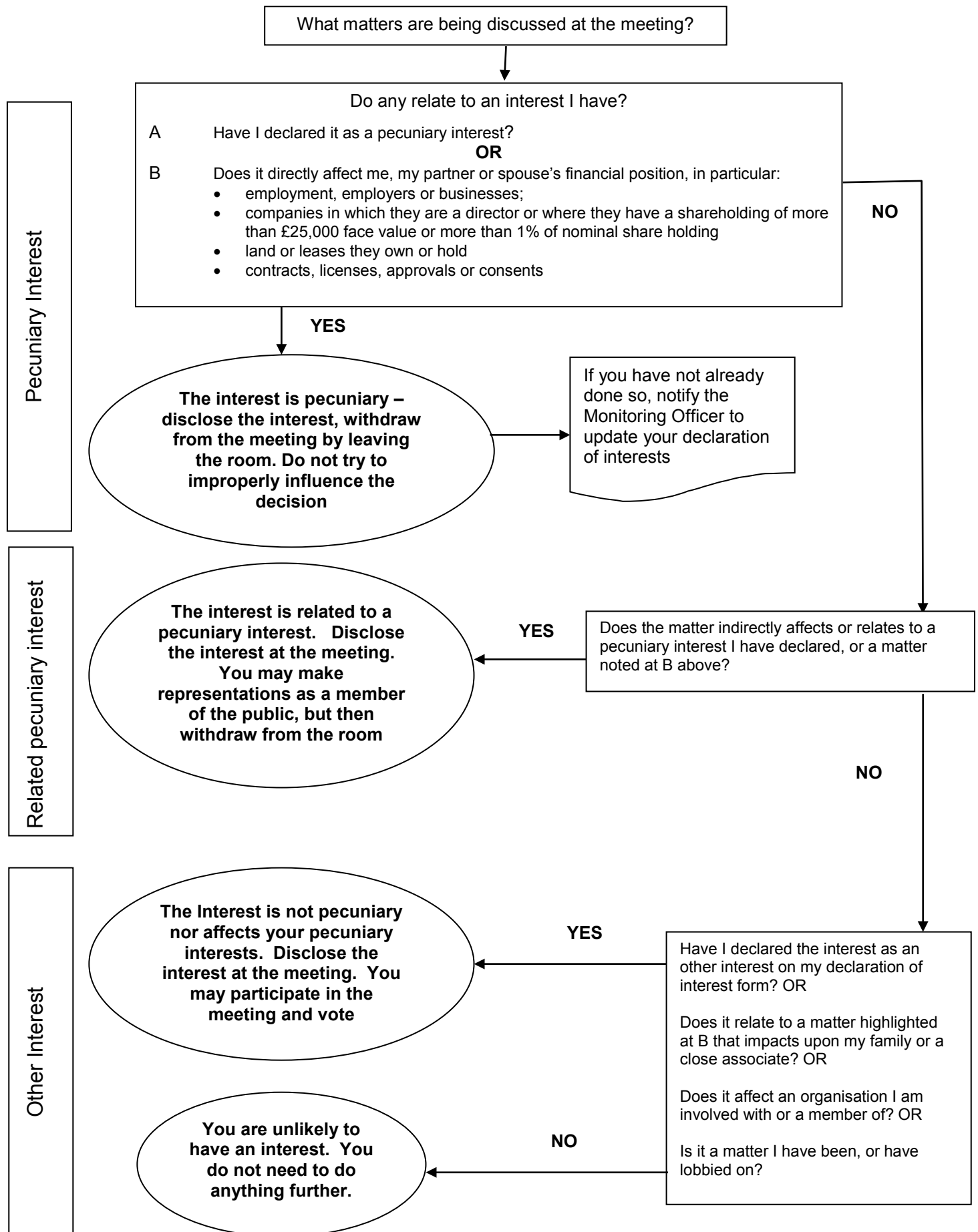
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





COUNCIL

Minutes of a meeting of South Norfolk District Council held at South Norfolk House, Long Stratton, on Monday 17 September 2018 at 7.30 pm

- Members Present:** Councillors; Overton (Chairman), Amis, Bills, Blundell, Broome, Dale, Dewsbury, Duffin, Easton, Edney, Ellis, Fulcher, Fuller, Goldson, J Hornby, L Hornby, Hudson, C Kemp, W Kemp, Kiddie, Larner, Legg, Lewis, Mason Billig, Mooney, Neal, Pond, J Savage, R Savage, Stone, Thomas, Thomson, Wheatley, J Wilby, and M Wilby
- Apologies:** Councillors, Bell, Bendle, Bernard, Foulger, Gould, Gray, Hardy, Minshull, Palmer, Riches and Worsley
- Officers in Attendance:** The Chief Executive (S Dinneen), the Director of Growth and Business Development (D Lorimer), and the Head of Governance and Monitoring Officer (E Hodds)

3454 MINUTES

The minutes of the meeting held on Thursday 12 July 2018, were agreed as a correct record, and signed by the Chairman.

3455 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred members to the list of civic engagements attended during the period 13 July to 16 September 2018.

Members were reminded that a Special meeting of the Council had been scheduled to take place on Thursday 4 October at County Hall, at 7.00pm, to be preceded by a joint briefing with Broadland District Council, at 6.30 pm.

3456 MONITORING OFFICER REPORT

Cllr J Fuller presented the report to members, explaining the reasons for the realignment of portfolios. He paid tribute to Cllr B Stone, who had stood down from the Cabinet, due to his commitments at Norfolk County Council, and he referred to Cllr Stone's diligent approach and valuable contributions as portfolio holder for resources. He went on to welcome Cllr K Kiddie to the Cabinet, explaining that Cllr Kiddie would take on the Stronger Communities portfolio, with Cllr Edney taking on the newly named portfolio, Growth and Resources.

Members also noted the proposed changes to the Constitution regarding the approval of the charging schedule in relation to the Building (Local Authority Charges) Regulations 2010, noting that in future the Cabinet would be permitted to approve these charges.

It was then unanimously

RESOLVED: To:

1. Note the appointments to the Cabinet outlined at paragraph 2.1 of this report.
2. Approve the changes to the Council's Constitution as outlined in paragraph 2.2 and 2.3 of this report.
3. Approve the changes outlined in Section 3 of this report to allow Cabinet to approve the charging schedule in relation to Building (Local Authority Charges) Regulations 2010.

3457 RECOMMENDATIONS FROM THE CABINET

Guidelines for Recreation Provision in New Residential Developments Supplementary Planning Document (SPD) Revised Draft for Adoption

Cllr J Fuller introduced the recommendations from the Cabinet, regarding the revised draft guidelines for Recreation Provision in New Residential Developments Supplementary Planning Document (SPD).

Cllr Fuller explained that the document had been subject to two rounds of consultation, with some modifications being made in response to the feedback received.

It was unanimously

RESOLVED: To adopt the SPD, attached at Appendix A of the report, subject to minor amendment.

3458 PROPOSED DELEGATION OF RESPONSIBILITIES FOR COMMONS MANAGEMENT FOR BROCKDISH COMMON TO BROCKDISH PARISH COUNCIL

Cllr K Mason Billig presented the report, which sought Council approval for Brockdish Parish Council to take on the responsibility for managing Brockdish Common.

Cllr Mason Billig explained that the Parish Council was keen to take on the management of the Common, making improvements which would benefit the local community. Members noted that South Norfolk Council had historically not actively managed the site.

It was unanimously

RESOLVED: To agree to delegate the responsibilities for managing Brockdish Common to Brockdish Parish Council.

3459 ANNUAL REPORT ON STANDARDS ACTIVITY

Cllr K Mason Billig presented the Annual Report on Standards Activity.

Members noted that the number of complaints received had reduced during 2017/18, and of those received, none had resulted in further action or a Standards hearing. Cllr Mason Billig commended the work of officers and in particular that of the Independent Person.

Cllr A Thomas suggested that it would be helpful for all new members of the Council, following the election in May 2019, to receive training on dealing with conflict, and Cllr Mason Billig agreed that this should be included in the new members' training programme.

It was unanimously

RESOLVED: To endorse the Annual Report of the Standards Committee.

3460 QUESTIONS TO THE CHAIRMEN AND PORTFOLIO HOLDERS

a) Cabinet

There were no questions to portfolio holders.

In the absence of Cllr Y Bendle, Cllr J Fuller updated members with regard to the excellent progress made on the Long Stratton Leisure Centre and Ketts Park projects.

b) Scrutiny Committee

There were no questions to the Vice-Chairman of the Scrutiny Committee.

c) Licensing Appeals and Complaints Committee / Licensing and Gambling Acts Committee

There were no questions to the Chairman of the Licensing Committee.

d) Development Management Committee

There were no questions to the Chairman of the Development Management Committee.

e) Electoral Arrangements Review Committee

There were no questions to the Chairman of the Electoral Arrangements Review Committee

3461 OUTSIDE BODIES – FEEDBACK FROM REPRESENTATIVES

Cllr V Thomson advised members that Mr Haydn Thirtle, Norfolk County Councillor and member of Great Yarmouth Borough Council, had recently been appointed Chairman of the Broads Authority.

Cllr C Kemp presented his report regarding the Police and Crime Panel for Norfolk, explaining that a decision was yet to be made with regard to the possible transfer of functions of the Fire and Rescue Authority to the Commissioner. He explained that the recent meeting of the Panel had considered a number of issues, including the Police and Crime Commissioner's Annual Report, and an oversight of the Criminal Justice System. The meeting had also been informed that the timetable for policing complaints reforms had slipped, and implementation was now anticipated for April 2019. These changes would see the PCCs become the review body for appeals and the outcome of policing complaints

(The meeting concluded at 7.51 pm)

Chairman

SPECIAL COUNCIL

Minutes of a meeting of South Norfolk District Council held at South Norfolk House, Long Stratton, on Thursday 4 October 2018 at 7.00 pm

Members Present: Councillors; Minshull (Chairman), Bills, Broome, Dale, Dewsbury, Easton, Edney, Ellis, Fulcher, Fuller, Gray, J Hornby, C Kemp, W Kemp, Lewis, Mason Billig, Neal, J Savage, R Savage, Thomson, Wheatley, J Wilby, and M Wilby

Apologies: Councillors, Amis, Bell, Bendle, Bernard, Blundell, Duffin, Foulger, Goldson, Gould, Hardy, L Hornby, Hudson, Kiddie, Larner, Legg, Mooney, Overton, Palmer, Pond, Riches, Stone, Thomas and Worsley

Officers in Attendance: The Chief Executive (S Dinneen), the Director of Communities and Wellbeing (J Sutterby), the Director of Growth and Business Development (D Lorimer), the Assistant Director (Resources) and Section 151 Officer (P Catchpole), the Head of Business Transformation (H Ralph), and the Head of Governance and Monitoring Officer (E Hodds)

3462 CHAIRMAN'S ANNOUNCEMENTS - ADRIAN GUNSON AND CHARLES REYNOLDS

The Chairman was sad to report the death of former County Councillor, Adrian Gunson.

Cllr J Fuller paid tribute to Mr Gunson's achievements, explaining that he had served as a County Councillor for the Loddon division for 45 years. He was a highly committed member, attending all parish council meetings, and community events, and had been an inspiration to many. Cllr Fuller reminded members that although Mr Gunson had not served as a district councillor, South Norfolk Council had awarded Mr Gunson with a certificate of appreciation for his outstanding contribution and services to the people of Norfolk.

Cllr M Wilby explained that during his service at County, Mr Gunson had served as Cabinet member for Planning and Transportation, and on numerous committees, and members noted his involvement in a number of major projects.

Cllr K Mason Billig referred to Mr Gunson as “Mr Highways”, explaining that she had always admired his endless energy and tenacity; he would be sadly missed.

Council then stood and observed a minute’s silence in memory of Mr Gunson.

Council also paid tribute to former County Councillor, Charles Reynolds, who had also recently passed away. Mr Reynolds had served on Great Yarmouth Borough Council and had also served on Norfolk County Council, representing the Great Yarmouth area.

3463 APPOINTMENT OF JOINT MANAGING DIRECTOR

Members considered the report of the Monitoring Officer, which recommended that Council adopted the recommendations of the Joint Appointment Panel, concerning the appointment of the Joint Managing Director and Head of Paid Service, for both Broadland and South Norfolk Councils.

The Chairman referred members to the recommendations of the Joint Appointment Panel, which had been emailed out to members separately.

Cllr K Mason Billig commended the recommendations to Council, seconded by Cllr T Lewis.

It was then unanimously

RESOLVED:	<ul style="list-style-type: none">(a) To approve the recommendation of the Joint Appointment Panel, subject to the normal pre-employment checks, including right to work, references and medical clearances, to appoint Mr Trevor Holden as Joint Managing Director and Head of Paid Service for Broadland and South Norfolk Councils at a commencement salary of £160,000.(b) That the designated Head of Paid Service be approved as the Proper Officer under S270(3) of the Local Government Act 1972.(c) To note that Broadland District Council, the employer council, agrees to place the Joint Managing Director at the disposal of South Norfolk Council for the purposes of their functions in accordance with section 113 of the Local Government Act 1972.(d) That South Norfolk Council, the non-employer Council, agrees to receive the services of the Joint Managing Director Broadland District Council, for the purposes of their functions in accordance with
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	<p>section 113 of the Local Government Act 1972.</p> <p>(e) That the Monitoring Officer be given delegated authority to make any required changes to the Council's Constitution resulting from these resolutions</p>
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(The meeting concluded at 7.12 pm)

Chairman

CIVIC ENGAGEMENTS FOR THE CHAIRMAN and VICE CHAIRMAN FOR THE PERIOD: 17 September to 9 December 2018	
Date	Event
17 September	Norfolk County Scout Council AGM: held in Dereham
18 September	Royal British Legion Reception: hosted by Major General Sir William Cubitt at the Great Hospital
21 September	Civic Reception: hosted by the Chairman of North Norfolk District Council, held at Hoveton Hall and Gardens
22 September	Joan Mann Special Sports Day: for adults and children with special needs, hosted by the Colonels from RAF Lakenheath and Mildenhall
30 September	Dedication Service: for a new Lych Gate at St Anne's Church, Chedgrave to commemorate those from the parish who gave their lives in WW1 and WW2.
3 October	Bishop of Norwich Consultation: for opinions on the attributes required for the new Diocesan Bishop, following the announcement of Bishop Graham's retirement.
7 October	Justice Service: hosted by the High Sheriff of Norfolk at Norwich Cathedral
8 October	Pub of the Year Awards: the Council's annual awards won by the White Lion in Wheatacre
9 October	Dedication and unveiling of stone: in Scole, in honour of Ernest Seaman, who was awarded the Victoria Cross
19 October	MP Event: to visit the new Nook site in Framingham Pigot.
21 October	Civic Reception: hosted by the Chairman of Breckland District Council, which included a tour of the Gressenhall Farm and Workhouse Museum of Norfolk Life
22 October	Anglo Sikh Heritage Trail: a wreath-laying service at the graveside of Duleep Singh, the last Maharaja of Sikh Raj
30 October	Launch of Breast Cancer Charity: to explain how the appeal will improve access to quicker diagnosis and treatment for all patients across Norfolk.
5 November	Opening of Fireworks Display: for Framingham Earl Parish Council
7 November	Rose Planting Ceremony: for Framingham Earl Parish Council
7 November	Eve of Peace Service: held at St Edmundsbury Cathedral and hosted by the Lord Lieutenant of Suffolk
9 November	Chairman's Civic Reception: Cllr Overton's reception held at Poringland Community Centre, where he raised £3,000 for his charities
10 November	Remembrance Event: an evening of poetry, letters and songs, held at Bunwell Church
11 November	Reception, Service of Remembrance and Military & Veteran Parade: hosted by the Lord Mayor and Sheriff of Norwich
11 November	Autumn Concert: held at Wymondham College
17 November	An evening of Song, Music, Poetry and Readings: held at St Mary's Church in Haddiscoe
19 November	Tree Planting: for Gissing Community Centre as part of the Queen's Commonwealth Canopy Project

CIVIC ENGAGEMENTS FOR THE CHAIRMAN and VICE CHAIRMAN FOR THE PERIOD: 17 September to 9 December 2018	
Date	Event
24 November	Celebratory event: held at Wymondham Baptist Church and hosed by the Co-op
24 November	Christmas Lights Switch-On: for Diss Town Centre
4 December	Christmas Carol Concert: hosted by the Mayor of Diss
7 December	Yuletide Winter Reception: annual reception hosted by the Colonels from all three RAF bases.
9 December	St Nicholas Christmas Fayre: held in Diss Town Centre
9 December	Service of Nine Lessons and Carols: held at Wymondham College

Full Council 10 December 2018

MONITORING OFFICER REPORT

Report Author(s): Emma Hodds, Monitoring Officer
ehodds@s-norfolk.gov.uk 01508 533791

Portfolio Holder: Leader of the Council

Ward(s) Affected: All

Purpose of the Report: This report seeks to appoint a new Electoral Registration Officer (ERO) and Returning Officer (RO), approval of a Joint Scrutiny Committee, and authorisation to amend the Constitution.

Recommendations:

1. To appoint Trevor Holden as the Electoral Registration Officer and Returning Officer for South Norfolk Council from 2 January 2019.
2. To appoint Julia Tovee-Galey as the Deputy Electoral Registration Officer.
3. To establish a Joint Scrutiny Committee with Broadland District Council including:
 - a. Confirm the terms of reference of the Joint Scrutiny Committee,
 - b. Appoint Members to serve on the Committee,
 - c. Agree that meetings of the Committee be included as an approved duty in line with Members Allowances Scheme,
 - d. Authorise the Monitoring Officer to make the consequential changes to the constitution.
4. To approve the changes to the Rules of Financial Governance and Contract Standing Orders, within the Constitution, as outlined in paragraph 4.1 and authorise the Monitoring Officer to make the consequential changes to the constitution.

1. SUMMARY

- 1.1 This report seeks to appoint a new Electoral Registration Officer (ERO) / Returning Officer (RO), approval of a Joint Scrutiny Committee and authorisation to amend the Constitution.

2. ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER APPOINTMENT

- 2.1 Following the decision of Full Council in October 2018 to appoint the new Joint Managing Director as the Head of Paid Service from 2 January 2019, and with the current Chief Executive voluntarily relinquishing the elements of her role that relate to the Head of Paid Service, ERO and RO, the Council now needs to appoint a new ERO and RO.
- 2.1 In order to be able to vote in elections, a person's name must be included in a register of electors. Responsibility for compiling the register of electors rests with the ERO. Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be the ERO.
- 2.2 The ERO has a duty to maintain registers of electors that contain the details of all those who are registered to vote. The ERO must publish registers that are as accurate and complete as possible. The council must provide the ERO with the resources they need to discharge their statutory functions.
- 2.3 Councils can approve the appointment of one or more deputy EROs. Unlike the RO, the ERO cannot appoint a deputy themselves, unless the power to do so has been delegated to them by the council. This report seeks to reconfirm the appointment of the Electoral Services Manager as the deputy ERO.
- 2.4 Section 35 of the Representation of the People Act 1983 requires every district council to appoint an RO for district and parish council elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of the voters and those standing for election is a positive one.
- 2.5 The RO is personally responsible for the administration of local government elections, including: nominations, the provision of polling stations, the appointment of presiding officers and poll clerks, management of the postal voting process and the verification and counting of votes.
- 2.6 The duties of an RO are separate from the duties held by that individual as a local government officer. An RO is not responsible to the council but is a separate legal entity to that of the council which appointed them and is directly accountable to the courts as an independent statutory office holder. The returning officer is not bound by the council's normal procedures in carrying out their duties.
- 2.7 ROs should have a working knowledge of the relevant legislation governing the conduct of the elections. This means that, in addition to having a clear understanding of the statutory functions, they should have an overview of what the legislation contains and an understanding of how it affects the administration of the elections, so that they can review, question where necessary, and quality-assure the whole process in their council area.

- 2.8 It is common practice for these roles to be held by the Head of Paid Service, and it is beneficial for both roles to be undertaken by the same person because of the close interaction between the two roles.
- 2.9 The new Head of Paid Service is employed by Broadland District Council, however he is also regarded as an officer of South Norfolk Council as he is being placed at the Council's disposal under section 113 of the Local Government Act 1972. It is therefore possible for him to act as the ERO and RO for each council and is experienced in both roles. It is therefore proposed to appoint the new Head of Paid Service, Trevor Holden, as the Council's ERO and RO as of 2 January 2019.
- 2.10 Broadland District Council also propose to appoint Trevor Holden as their ERO and RO from 2 January 2019. For the May 2019 district and parish elections there will be two count venues, with this being reviewed following these elections. For South Norfolk Council, Trevor Holden will be present for the count in May 2019 and carrying out the duties of ERO and RO. Broadland District Council intend to allocate these duties to the Deputy ERO/RO to avoid the potential issues that two count venues would pose.

3. JOINT SCRUTINY COMMITTEE

- 3.1 It is proposed that a Joint Scrutiny Committee is established with Broadland District Council, to be linked to the key stages of collaborative working between the two Councils. The proposed Terms of Reference are attached at Appendix 1. The establishment of a joint committee would ensure that members of both councils are able to debate key issues and make joint recommendations as they see fit to their respective Council.

- 3.2 The following members have been nominated by Group Leaders:

Joint Chairman: Cllr Graham Minshull (as Chairman of South Norfolk Council's Scrutiny Committee)

Conservatives: Cllrs Lee Hornby, Colin Could, Barry Duffin and Jenny Wilby

Liberal Democrats: Cllr Brendon Bernard

4 AMENDMENTS TO CONSTITUTION

- 4.1 The Section 151 Officer and the Monitoring Officer have reviewed the Rules of Financial Governance and the Contract Standing Orders to ensure that they reflect the current structure that is in place at the Council. Due to changes in responsibilities, mainly due to the Head of Governance undertaking a wider role, administrative changes are proposed to ensure that where decisions are needed by key officers there is sufficient coverage and that duties are separated.

5 ISSUES AND RISKS

- 5.1 **Resource Implications** – the scale of fees and charges for local elections, referendums and polls are regularly reviewed and set. There are statutory fee scales for national elections and referendums. The council holds appropriate insurance cover for elections work.

- 5.2 **Legal Implications** – the councils statutory obligations are set out in the body of the report.
- 5.3 **Equality Implications** – none
- 5.4 **Environmental Impact** – none
- 5.5 **Crime and Disorder**- none
- 5.6 **Risks** – the council has a statutory duty to appoint an electoral registration officer and returning officer. Making the appointments as suggested in this report ensures that the council meets this duty.

6 CONCLUSION

- 6.1 This report asks the council to appoint a new electoral registration officer and returning officer, agree the establishment of a joint scrutiny committee with Broadland District Council and agree minor changes to the constitution.

7 RECOMMENDATIONS

- 7.1 To appoint Trevor Holden as the Electoral Registration Officer and Returning Officer for South Norfolk Council from 2 January 2019.
- 7.2 To appoint Julia Tovee-Galey as the Deputy Electoral Registration Officer.
- 7.3 To establish a Joint Scrutiny Committee with Broadland District Council including:
 - a. Confirm the terms of reference of the Joint Scrutiny Committee,
 - b. Appoint Members to serve on the Committee,
 - c. Agree that meetings of the Committee be included as an approved duty in line with Members Allowances Scheme,
 - d. Authorise the Monitoring Officer to make the consequential changes to the Constitution.
- 7.4 To approve the changes to the Rules of Financial Governance and Contract Standing Orders, within the Constitution, as outlined in paragraph 4.1 and authorise the Monitoring Officer to make the consequential changes.

JOINT SCRUTINY COMMITTEE

TERMS OF REFERENCE

1. Meetings

- 1.1 The Joint Scrutiny Committee will meet on an *ad hoc* basis, linked to the key stages of collaborative working between Broadland District Council and South Norfolk Council, as reports are progressed through for Member decision at each authority.

2. Membership

- 2.1 Broadland District Council and South Norfolk District Council shall appoint six members, with a political split of 5:1, of each council as voting members of the Committee, appointed from the political parties in proportion to the number of Council members from each political group.
- 2.2 Named substitutes may attend and vote at meetings of the Committee.
- 2.3 Two joint Chairmen of the Group shall be appointed, to be the Chairman of each Authority's Scrutiny Committee. The role of Chairman shall alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, dependent on which Council is hosting the meeting.
- 2.4 In the absence of the host authority Chairman the meeting will be chaired by the non-host Chairman. In the absence of both Chairman the Group will appoint a Chairman for the meeting.

3. Quorum

- 3.1 A minimum of three members of each council (either members or named substitutes) must be present to transact any business of the Committee.

4. Voting

- 4.1 The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.
- 4.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

5. Venue and Time

- 5.1 Meetings will be held in appropriate locations for the business, as determined by the Committee, at venues that are accessible to the public.
- 5.2 Meetings will commence at a date and time to be agreed by both of the Chairmen.

6. Protocol and Openness

- 6.1 The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings of the Committee. Members will be required to abide by their respective Council's Code of Conduct.
- 6.2 Any members of either Council may attend and speak at meetings of the Group, but not vote.

- 6.3 At the discretion of the Chairman of the meeting, any member attending the meeting may speak for five minutes in total.
- 6.4 At the commencement of each item of the Committee's business as set out on the agenda for the meeting, the Chairman for the meeting will introduce any witnesses and will ask for any other person who wishes to speak to identify themselves.

7. Terms of Reference

- 7.1 To receive reports on the shared services project as the need arises, making recommendations to respective Cabinets and / or Council.

8 Secretariat

- 8.1 Meetings will be convened and clerked by the host authority where the meeting is held.

9 Public Speaking

- 9.1 Public speaking will be at the discretion of the Chairman.

STATEMENT OF GAMBLING POLICY

Report Author(s): Amanda Cox, Licensing & Enforcement Officer
01508 533621 acox@s-norfolk.gov.uk

Portfolio: Regulation and Public Safety

Ward(s) Affected: All

Purpose of the Report: The Gambling Act requires all licensing authorities to prepare and publish a statement of licensing principles that it proposes to apply in exercising the Council's functions under the Act.

Recommendation:

1. To recommend that Council adopts the Statement of Policy, as set out in Appendix A, and authorises the Director of Growth and Business Development to carry out all regulatory processes to enable the policy to come into effect on the 31st January 2019.

1. SUMMARY

- 1.1 The Gambling Act requires all licensing authorities to prepare and publish a statement of licensing principles that it proposes to apply in exercising the Council's functions under the Act. The Statement of Policy forms a mandate for managing local gambling provision and sets out how the Council views the local risk environment and therefore the expectation in relation to operators with premises in the locality.

2. BACKGROUND

- 2.1 The legislation provides a clear focus on the promotion of three statutory objectives which must be addressed when licensing functions are undertaken:
- preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 Licensing authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in premises. The Act also provides a system of temporary and occasional use notices. This enables licensing authorities to authorise premises where there is no gambling premises licence in place, to be used for certain types of gambling for limited periods.
- 2.3 The Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every three years, the current statement of policy was published in January 2016 and therefore a new policy is required by the 31 January 2019. The policy must be published before it carries out any licensing functions under the Act. A copy of the proposed policy is attached at Appendix A.
- 2.4 The draft policy has been reviewed by NPLaw prior to consultation.
- 2.5 Before determining the policy, the licensing authority must consult the persons listed in section 349(3) of the Act. These are:
- the chief officer of police for the area;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- 2.6 A list of those consulted is attached at Appendix B. The consultation took place between the 3 September 2018 and 15 October 2018. The draft policy was also available on our website and reception area and at each library within the district for the full consultation period.
- 2.7 The views of all these persons or bodies should be considered when the policy is determined.

3 CURRENT POSITION / FINDINGS

- 3.1 Five representations were received and considered during the consultation period. A summary of the representations are attached at Appendix C.
- 3.2 Once the Statement of Policy has been adopted, it must be published for 28 days at the Council offices, on the Council's website and in each local library before it takes effect. In addition, a notice must be placed in the local press on one occasion during the four-week publication period.
- 3.3 The revised Statement of Policy must take effect on the 31 January 2019.

4 PROPOSED ACTION

- 4.1 To adopt the Statement of Gambling Policy to enable a consistent approach to the licensing authority's duties under the Act.

5 ISSUES AND RISKS

- 5.1 The Act requires a published statement of gambling policy to enable the authority to carry out licensing functions under the Act.
- 5.2 **Resource Implications** – No implications
- 5.3 **Legal Implications** – A decision not to publish this policy may result in activities being carried out in South Norfolk which could impact on the licensing objectives, as detailed in paragraph 2.1 above.
- 5.4 **Equality Implications** – No implications
- 5.5 **Environmental Impact** – No implications
- 5.6 **Crime and Disorder** – A decision not to publish this policy may result in activities being carried out in South Norfolk which could impact on the licensing objectives, as detailed in paragraph 2.1 above.
- 5.7 **Risks** – See above

6 RECOMMENDATION

- 6.1 To recommend that Council adopts the Statement of Policy, as set out in Appendix A, and authorises the Director of Growth and Business Development to carry out all regulatory processes to enable the policy to come into effect on the 31 January 2019.

Background Papers

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

Guidance to Licensing Authorities 5th Edition -
<https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf>

AWAITING ILLUSTRATIONS

Gambling Act 2005

Statement of Policy

January 2019



If you would like this document in large print or alternative format, please contact us on 01508 533621

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Definitions

Note: In this policy, the following definitions are included to provide an explanation of certain terms included in the Gambling Act and therefore in the policy. In some cases they are an abbreviation of what is stated in the Gambling Act 2005 or an interpretation of those terms. For a full definition of the terms used, please refer to the Gambling Act 2005.

‘the Act’ refers to the Gambling Act 2005

‘the Council’ refers to South Norfolk Council

‘the guidance’ refers to the Gambling Commissions Guidance to Licensing Authorities 5th Edition

‘the licensing authority’ refers to South Norfolk Council

PART A

The Objectives

In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

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 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 policy
- in accordance with the authority’s local area profile – provided at Appendix C

Introduction

The Council is situated in the County of Norfolk, which contains seven District Councils in total. A map of the area is attached as Appendix A.

South Norfolk is a rural district covering approximately 90,765 hectares and with a population of over ~~429,000 (2014 ONS)~~ 136,000. The area is an attractive rural area of market towns and villages with approximately ~~57,880~~ 58,300 dwellings and

6, 000 businesses within the District. The main urban areas are the towns of Wymondham, Diss, Harleston, Loddon and Hingham as well as the parishes of Costessey and Cringleford on the Norwich fringe and large villages including Hethersett, Long Stratton, Poringland and Mulbarton.

The Council believes in excellent customer services that compliment people's lives. This means responding to the area's needs now and also planning for the future. Our priorities are an example of this:

- economic growth, productivity & prosperity
- places, communities & environment
- health, wellbeing & early help

- ~~enhancing our quality of life and the environment we live in;~~
- ~~promoting a thriving local economy;~~
- ~~supporting communities to realise their potential;~~
- ~~driving services through being business like, efficient and customer aware.~~

Licensing authorities are required by the Act to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

The Council, consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided as Appendix D.

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

The Council's consultation took place between 3 September 2018 and 15 October 2018 and followed the Cabinet Office Guidance on Consultation (published in March 2018), which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Amanda Cox
Address: South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE
E-mail: licensingteam@s-norfolk.gov.uk

The full list of comments made and the consideration by the Council of those comments will be available by request to: the Licensing Team, South Norfolk Council, Swan Lane, Norwich, NR15 2XE and via the Council's website www.south-norfolk.gov.uk

The draft policy was presented for approval at a meeting of the Full Council on the 10th December 2018.

The approved policy was published by 31st December 2018, and will be available at the Council offices, on our website and in libraries within the district, and comes into effect on 31st January 2019.

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

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses from those consulted on the statement.

4. 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 Guidance, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Act are available via the website at www.south-norfolk.gov.uk

5. 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 Act 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 applications is made, the person-

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Guidance at 8.9 to 8.17.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team.

6. 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 with the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information with other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act ~~1998~~[2018 and the General Data Protection Regulations](#) will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

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

This licensing authority's principles are that:

It will be guided by the Guidance and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up 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 minimise side effects.

As per the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- The Guidance, in particular at Part 36
- The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this licensing authority in terms of the Act 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 are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team.

8. 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 (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

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

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set out in the Act 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. Please see section regarding conditions.

Decision making

This Licensing authority 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 policy.

It is appreciated that as per the Guidance "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity).

It is not permissible for an operator to offer gaming machines on a premise which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder

of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

Definition of "premises"

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But 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 a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the licensing authority shall pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

The Guidance states 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. However, 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."

This licensing authority takes particular note of the Guidance 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 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?

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

The Guidance as to relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street
- 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 holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street 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 unless that shop itself is a licensed betting premises.~~

Tracks

- No customer should be able to access the premises directly from:
 - a casino or an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino

- an adult gaming centre
- a betting premises, other than a track

Family Entertainment Centre

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

The Guidance contains further guidance on this issue, which this authority will also take into account in its decision-making.

Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether 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 this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Guidance, this authority 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. It should be noted that any application being made will be decided on its merits.

Planning

The Guidance states: In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives.

One example of an irrelevant matter 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. Accordingly, a licence to use the premises for gambling should only be issued in relation to the premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes

This licensing authority seeks 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 buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Local Risk Assessments

The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The introduction [in April 2016](#) of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. ~~These changes take effect from 6 April 2016.~~

Licensees must review (and update as necessary) their local risk assessments:

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

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

It is expected that licensees will refer to the Licensing Authority's Local Area Profile when complying their risk assessments.

Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Guidance and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The 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 levels of organised crime this authority 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. This licensing authority is aware of the distinction between disorder and nuisance and will generally consider disorder as activity that is more serious and disruptive than mere nuisance. We will consider factors (for example where police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be 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 – see 'tracks' section below).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Guidance 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 licensing authority 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.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards 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 are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case-by-case basis.

Conditions

Further to the mandatory and default conditions, additional conditions may be attached based on a case by case basis.

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 reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority 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 Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises

are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which 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 Act 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.

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 (as per the Guidance)

2. Adult Gaming Centres

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

This licensing authority 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 / help-line numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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.

This licensing authority may consider measures to meet the licensing objectives such as:

- 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 / help-line 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.

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

4. Casinos

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

5. Bingo premises

This licensing authority notes that the Guidance states:

Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. ~~This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. 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.~~

This licensing authority notes that a holder of bingo premises licences 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. A licence variation must be applied for if operators wish to take advantage of this change to the legislation.

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

6. Betting premises

The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. The Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. Please see Part 7 of the Guidance for further information on the issuing of premises licences.

Self Service Betting Terminals (SSBTs)

S.235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and / or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

It is the Commission's view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others.

S.181 contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by

attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

7. Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

This licensing authority 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 / help-line 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 the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This Licensing Authority will, as per the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) 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 licensing authority 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.

This authority 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 of the difficulties associated with pinpointing exact locations for some types of track. Licensing authorities should satisfy themselves that the plan provides sufficient information to enable them to assess an application.

8. Travelling Fairs

Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates. Current stakes and prizes can be found at Appendix B of the Guidance.

The licensing authority is responsible for deciding whether the number of Category D machines is ancillary to the amusement at the fair.

Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

~~This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit are 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 licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27 day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

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

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

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

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 to 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 licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by 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 this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- 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 policy.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause

this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

~~Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.~~

~~The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.~~

Full details including time periods can be found in the Act (Premises Licences (Review) Regulations 2007.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice/Small Society Lotteries

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Guidance also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application....licensing authorities might wish to consider asking applications to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority has adopted the following Statement of Principles, in respect of unlicensed FECs:

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The licensing authority will also expect the applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

The Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' disclosure and barring service disclosure dated no earlier than one calendar month on the day the application is received by the licensing authority. Where the applicant is a partnership disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan scale 1:100 of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed or temporary structures.
 - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - f. The location of any ATM or other cash/change machines.
 - g. The proposed location of the Category 'D' machines.
 - h. Details of non-category 'D' machines (e.g. skill with prizes machines).

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The person who holds the premises licence (issued under the Licensing Act 2003), merely need to notify the licensing authority and pay the prescribed fee.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has not been provided to the licensing authority, that a fee has not been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / help-line numbers for organisations such as GamCare.

The Authority may request a plan of the premises indicating the proposed location of any gaming machines.

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.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

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

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- clear policies that outline the steps to be taken to protect children from harm.

The licensing authority shall also require (where the applicant is an individual) a ‘basic’ disclosure and barring service disclosure dated no earlier than one calendar

month on the day the application is received by the licensing authority. Where the applicant is a partnership the disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. Holders of operating licences issued by the Gambling Commission are exempt this requirement.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Act, Schedule 14 paragraph 8(3))

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

4. Club Gaming and Club Machine Permits

Members clubs and miners' welfare institutes (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 B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members clubs and miners' welfare institutes – and also commercial clubs – may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB: Commercial clubs may not site category B3A gaming machines offering lottery games in their club.

This licensing authority notes that the Guidance states:

The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.44-25.49 of the Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The Authority may conduct a visit of the premises in advance of granting a permit.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) (i) for a club gaming permit: the applicant is not a members' club or miners' welfare institute
- (ii) for a club machine permit: the applicant is not a members' club, miners' welfare institute or commercial club
- (b) the premises are used by children or young persons
- (c) an offence or a breach of a condition of the permit has been committed by the applicant while providing gaming facilities
- (d) a permit held by an applicant has been cancelled during the last ten years
- (e) an objection has been made by the Commission or local chief officer of police.

There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. 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 no 3157: The Act (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. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs 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 Guidance~~

~~The Authority will consider whether they wish to give a notice of objection in respect of a Temporary Use Notice. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modification, they must give notice of objection to the person who gave the Temporary Use Notice.~~

6. Occasional Use Notices

Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

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

7. Small Society Lotteries

The Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This Authority considers that the following list, though not exhaustive, could affect the risk of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit 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

Charities and community groups should contact the Authority for further advice.

The licensing authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

The licensing authority may refuse an application for registration if in their opinion:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.

Where the licensing authority intends to refuse registration of a society, it will give the society an opportunity to make representations and will inform the society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the licensing authority will make available its procedures on how it handles representations.

The licensing authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The licensing authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

Part D

Committee, Officer Delegation and Contacts

1. Committee decisions and scheme of delegation

The licensing authority is involved in a wide range of licensing decisions and functions and has established the Licensing and Gambling Act Committee to administer them.

Licensing Sub-Committees made up of three Councillors from the main Licensing and Gambling Act Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Where a Councillor who is a member of the Licensing and Gambling Act Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Council's Licensing Officers will deal with all other licensing applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing and Gambling Act Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

The table shown at Appendix B sets out the agreed delegation of decisions and functions to Licensing and Gambling Act Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

2. Contacts

Further information about the Act, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Team
South Norfolk Council
South Norfolk House
Cygnet Court
Long Stratton
Norwich
NR15 2XE

Telephone: 01508 533621
email: licensingteam@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

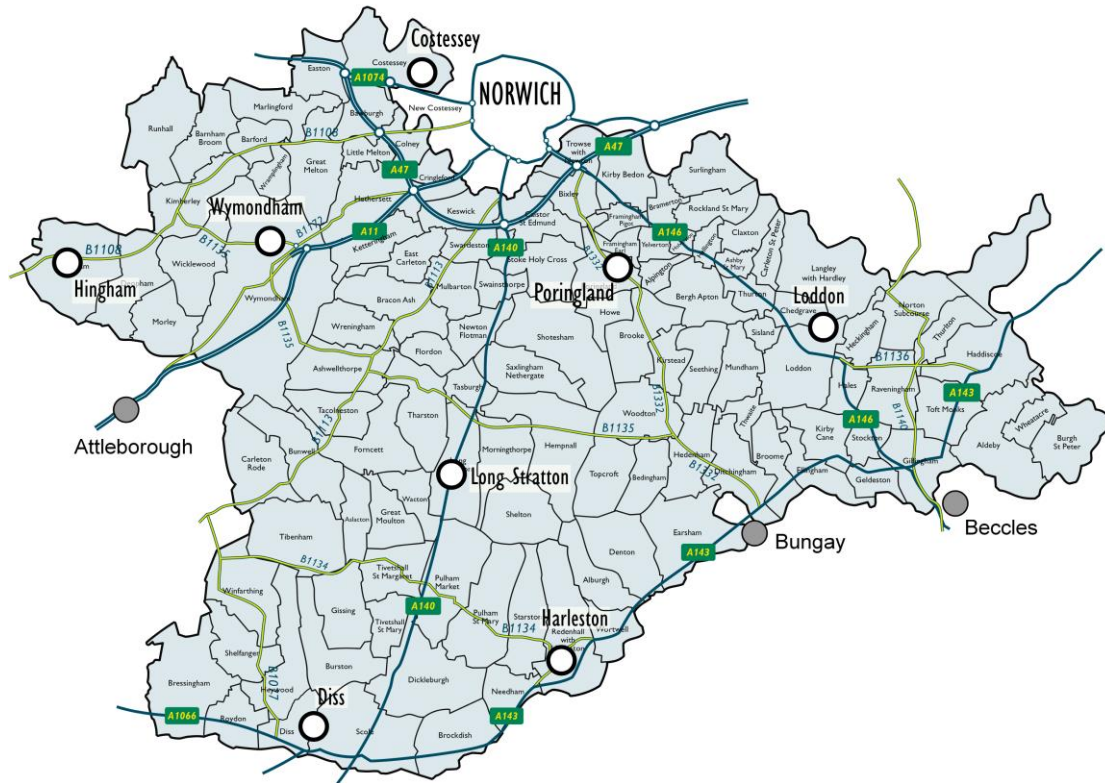
Information is also available from:-

Gambling Commission
4th floor
Victoria Square House
Birmingham
B2 4BP

Tel: 0121 233 1096
Website: www.gamblingcommission.gov.uk

Appendices

Appendix A – Map of the District



Appendix B – Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Final approval of the Licensing Authority Statement of Policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix C – Local Area Profile

South Norfolk is a rural district covering approximately 90,765 hectares and with a population of over ~~129,000 (2014 ONS)~~ 136,000. The area is an attractive rural area of market towns and villages with approximately ~~57,880~~ 58,300 dwellings and 6,000 businesses within the District. The main urban areas are the towns of Wymondham, Diss, Harleston, Loddon and Hingham as well as the parishes of Costessey and Cringleford on the Norwich fringe and large villages including Hethersett, Long Stratton, Poringland and Mulbarton. A map is attached as Appendix 4A.

Gambling activities within South Norfolk, as at August 2015, consist of 9-4 betting shops, 1 adult gaming centre and a total of ~~78-52~~ premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 13-9 clubs that hold club machine/gaming permits and there are ~~195-158~~ small society lotteries.

Currently it is not felt that there are any significant concerns relating to gambling premises within the South Norfolk district.

The Council appreciates the potential risks from gambling activities in relation to young and vulnerable persons therefore operators and applicants should take the following factors into consideration when submitting applications and compiling premises based risk assessments.

- Temporary accommodation for homeless persons are located in Long Stratton, ~~and~~ Costessey ~~and~~ Chedgrave.
- Providers of care for those suffering with mental health issues are located in Diss, Wicklewood and Wymondham.
- Clearly there are a number of schools within the district, the Council would expect licence holders and applicants to take their location into consideration and ensure measures are in place to address advertising of gambling premises that may affect young persons.

Any new gambling proposals which seeks to intensify gambling activities will be carefully considered and reviewed to ensure it does not significantly alter, adversely affect or otherwise impact upon the current level of gambling activity across the district.

Appendix D – List of those consulted

Revised Guidance to Licensing Authorities 5th Edition

Section 6.58

- the chief officer of police for the area;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling activities in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

Organisation	Address	Email
The Chief Officer of Police	Norfolk Constabulary, Vantage House, Fishers Lane, Norwich, NR2 1ET	licensingteam@norfolk.pnn.police.uk
Norfolk Fire & Rescue	Norwich Road, Thetford, Norfolk, IP21 2HT	Thetford.admin@fire.norfolk.gov.uk
Child Protection	Norfolk Safeguarding Children Board, Room 60, Lower Ground Floor, County Hall, Martineau Lane, Norwich, NR1 2DH	diane.cook@norfolk.gov.uk
Trading Standards	Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2UD	trading.standards@norfolk.gov.uk
Health & Safety	South Norfolk Council, Cygnet Court, Long Stratton, Norfolk, NR15 2XE	
HM Revenue & Customs	National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ	intenquiries@hmrc.gsi.gov.uk
Gambling Commission	Victoria Square House, Victoria Square, Birmingham, B2 4BP	info@gamblingcommission.gov.uk
Environmental Protection	South Norfolk Council, Cygnet Court, Long Stratton, Norfolk, NR15 2XE	anicholas@s-norfolk.gov.uk
Planning	South Norfolk Council, Cygnet Court, Long Stratton, Norfolk, NR15 2XE	planning@s-norfolk.gov.uk

Organisation	Address	Email
British Beer & Pub Association	Ground Floor, Brewers' Hall, Aldermanbury Square, London, EC2V 7HR	contact@beerandpub.com
Business Forums	Wymondham, Diss, Loddon & Harleston	Wym - S. Green sgreen@fosters-solicitors.co.uk Diss - Brian Bale info@dbf.org.uk Harleston - Andrew Denny info@hdbf.org.uk Loddon - Mark Hayes info@ldba.org.uk
Citizens Advice Bureau	2 Exchange Street, Harleston, Norfolk, IP20 9AB	public@ncab.org.uk
	14 Middleton Street, Wymondham, Norfolk, NR18 0AD	
	Shelfanger Road, Diss, Norfolk, IP22 4EH	
	Norfolk Citizens Advice Bureau, The Forum, Millennium Plain, Norwich, NR2 1TF	
MP - Richard Bacon	Grasmere, Denmark Street, Diss, IP22 4LE	richard@richardbacon.org.uk
Norfolk Association of Local Councils	Rooms 58 County Hall, Martineau Lane, Norwich, NR1 2UF	countyofficer@norfolcalc.gov.uk
Norfolk Association of Village Halls		slimwilkinson.navh@gmail.com
Norfolk Chamber of Commerce	9 Norwich Business Park, Whiting Road, Norwich, NR4 6DJ	hello@norfolkchamber.co.uk
Association of British Bookmakers	Ground Floor, Warwick House, 25 Buckingham Palace Road, London, SW1W 0PP	mail@abb.uk.com
BACTA	29-30 Ely Place, London, EC1N 6TD	info@bacta.org.uk
Gamblers Anonymous	Doncaster CVS, Intake Wellness Centre, Doncaster, DN2 6PL	
Racecourse Association Ltd	The Racecourse Association Ltd, Winkfield Road, Ascot, Berkshire, SL5 7HX	info@racecourseassociation.co.uk
GambleAware	7 Henrietta Street, London, WC2E 8PS	info@gambleaware.org
Gamcare	Head Office, 1st Floor, CAN Mezzanine Old Street, London, N1 6AH	info@gamcare.org.uk
The Bingo Association	Lexham House, 75 High Street North, Dunstable, Bedfordshire, LU6 1JF	info@bingo-association.co.uk

Gaming Machine Suppliers	Tunmore Leisure Ltd, Unit 23 Industrial Estate, Ashwellthorpe, NR16 1ER	enquiries@tunmoreleisure.co.uk
	Essex Leisure, Essex House, 21 Eastways, Witham, Essex, CM8 3YQ	sales@essexleisure.co.uk
	Independent Leisure, 16 Napier Place, Thetford, Norfolk, IP24 3RL	info@ils-uk.com
	Mac Automatics Ltd, 38 Station Road, Kennett, Newmarket, CB8 7QD	
	DP Leisure, The Conge, Great Yarmouth, NR30 1JN	info@dpleisureltd.co.uk

District Councillors/Parish Clerks

Local Betting Shops, Adult Gaming Centre, premises benefiting from licences/permits, small society lotteries

NPLaw – David Lowens

Statement of Gambling Policy

Consultation

Revised Guidance to Licensing Authorities 5th Edition

Section 6.58

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Trading Standards	Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2UD	trading.standards@norfolk.gov.uk
Health & Safety	South Norfolk Council, Swan Lane, Long Stratton, Norfolk, NR15 2XE	licensingfoodsafety@s-norfolk.gov.uk
HM Revenue & Customs	National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ	intenquiries@hmrc.gsi.gov.uk
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Planning	South Norfolk Council, Swan Lane, Long Stratton, Norfolk, NR15 2XE	planning@s-norfolk.gov.uk

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	14 Middleton Street, Wymondham, Norfolk, NR18 0AD	
	Shelfanger Road, Diss, Norfolk, IP22 4EH	
	Norfolk Citizens Advice Bureau, The Forum, Millennium Plain, Norwich, NR2 1TF	
MP - Richard Bacon	Grasmere, Denmark Street, Diss, IP22 4LE	richard@richardbacon.org.uk
Norfolk Association of Local Councils	Rooms 58 County Hall, Martineau Lane, Norwich, NR1 2UF	countyofficer@norfolcalc.gov.uk
Norfolk Association of Village Halls		slimwilkinson.navh@gmail.com
Norfolk Chamber of Commerce	9 Norwich Business Park, Whiting Road, Norwich, NR4 6DJ	hello@norfolkchamber.co.uk
Association of British Bookmakers	Ground Floor, Warwick House, 25 Buckingham Palace Road, London, SW1W 0PP	mail@abb.uk.com
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Racecourse Association Ltd	The Racecourse Association Ltd, Winkfield Road, Ascot, Berkshire, SL5 7HX	info@racecourseassociation.co.uk
GambleAware	7 Henrietta Street, London, WC2E 8PS	info@gambleaware.org
Gamcare	Head Office, 1st Floor, CAN Mezzanine Old Street, London, N1 6AH	info@gamcare.org.uk

The Bingo Association	Lexham House, 75 High Street North, Dunstable, Bedfordshire, LU6 1JF	info@bingo-association.co.uk
Gaming Machine Suppliers	<p>Tunmore Leisure Ltd, Unit 23 Industrial Estate, Ashwellthorpe, NR16 1ER</p> <p>Essex Leisure, Essex House, 21 Eastways, Witham, Essex, CM8 3YQ</p> <p>Independent Leisure, 16 Napier Place, Thetford, Norfolk, IP24 3RL</p> <p>Mac Automatics Ltd, 38 Station Road, Kennett, Newmarket, CB8 7QD</p> <p>DP Leisure, The Conge, Great Yarmouth, NR30 1JN</p>	<p>enquiries@tunmoreleisure.co.uk</p> <p>sales@essexleisure.co.uk</p> <p>info@ils-uk.com</p> <p>info@dpleisureltd.co.uk</p>

District Councillors/Parish Clerks

Local Betting Shops, Adult Gaming Centre, premises benefiting from licences/permits, small society lotteries

NPLaw – David Lowens

Statement of Gambling Policy

Summary of Representations

Party	Summary of Representations	Proposed Action
GambleAware	<p>Unable to offer specific feedback on policy. However, provided two recent publications to be reviewed –</p> <p>Tackling gambling related harm – a whole council approach</p> <p>Gambling regulation: Councillor handbook</p>	<p>The Local Area Profile contained as Appendix C within the Statement of Policy addresses the potential risks associated with gambling activities with the young and vulnerable.</p> <p>We are presently awaiting the updated handbook. Once received this will be circulated for Councillors information.</p>
Gamcare	<p>Unable to offer specific feedback on policy. However, provided a list of issues/factors to consider regarding policy and procedures.</p> <p>In addition, two publications were provided offering details of training courses available in relation to gambling awareness and social responsibility.</p>	<p>The Local Area Profile contained as Appendix C within the Statement of Policy addresses the potential risks associated with gambling activities with the young and vulnerable.</p>
Racecourse Services Executive	No comment	Not applicable

Costessey Town Council	No comment	Not applicable
Newton Flotman Parish Council	Agreement with policy	Not applicable

POLICE AND CRIME PANEL FOR NORFOLK

The good of the people is the highest law.
Marcus Tullius Cicero, *De Legibus* ("The Laws"), III, iii, 8.

1. Since I last reported to the Council my duties as the District's representative on the Norfolk PCP have included:
 - 1.1. attending a meeting of the Panel's Complaints Policy Sub-Panel;
 - 1.2. adjudicating on a complaint brought against the PCC (I am one of the Panel members designated to deal with such matters); and
 - 1.3. attending the Seventh Annual Conference for Police, Fire and Crime Panel members and support officers (held at the Warwick University Conference Centre).
2. However, perhaps the most important developments since I last reported are two announcements by the PCC, that:
 - 2.1. he does not intend to seek re-election in 2020; and
 - 2.2. having concluded that his Consultation has demonstrated a "compelling case" to proceed with Option 3 on the future governance of the Norfolk Fire and Rescue Service, he has nevertheless paused the process.
3. As will be seen from the full statement published by the Commissioner (and which contains links to the full report on the Consultation, including the fifteen separate appendices), the two principal issues which influenced him in reaching that view were:
 - 3.1. the need to establish political will across the County for the chosen Option; and
 - 3.2. whether Option 3 was presently deliverable having regard to the issue of disaggregation.
4. One aspect of the Commissioner's interim decision which has received little attention is his decision, for the time being, to exercise his right (Option 2) to sit as a voting member on the County committee that exercises the functions of the Fire and Rescue Authority for the County.
5. Between the writing of this report and the meeting of the Council to which it is submitted there is a meeting of the Norfolk Police and Crime Panel. I will update members on any relevant points developing at that meeting. At that meeting I anticipate that the Commissioner will be closely questioned on his decision reported in paragraph 2.2. above and his reasons for the same.
6. I must also report that the Local Government Funding Settlement for 2019-20 is keenly awaited in OPCCN. The Commissioner's consultation before deciding the Police Precept has been set to commence after that announcement (due on 6th December 2018) has set the framework and allowed the possible options to be identified. Of particular concern is whether the Government will proceed with its intention to withdraw the Home Office grant which presently covers the "employers" contribution to Police pensions. If this cost is transferred to local budgets this could have a significant impact on both the precept and the level of resources for frontline policing that the precept will provide.

(Dr) C J Kemp
26/11/2018