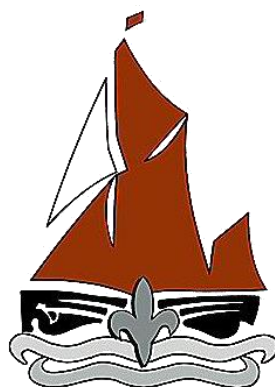


**STATEMENT OF LICENSING
POLICY GAMBLING ACT
2005**



**MALDON DISTRICT
COUNCIL**

Gambling Policy

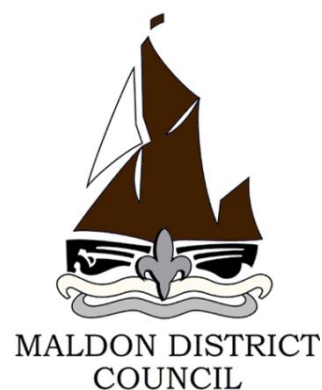
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Document Control Sheet

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Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



FOREWARD

The Gambling Act 2005 gave local authorities (licensing authorities) new and extended responsibilities for licensing premises for gambling and created a unified regulator for gambling called the Gambling Commission.

This Statement of Licensing Policy produced by Maldon District Council will be the basis for all gambling related licensing decisions taken by the Council, commencing January 2019.

The statement sets out the principles that Maldon District Council will apply in exercising its licensing functions under the Act. In applying this policy, the Council will not be promoting gambling or restricting opportunities for individuals who wish to participate in gambling but will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

In applying the policy, the Council will seek to work in partnership with the gambling industry and other stakeholders, to ensure proper application of the licensing objectives.

This policy has been produced in accordance with the Gambling Act, Regulations and Guidance issued by the Gambling Commission. It will be kept under review and will be amended when issues arise that make change necessary. The Council will seek, through the licensing process and the decisions it takes, to make the Maldon District a safe and welcoming place for both residents and visitors to enjoy.

Councillor M F L Durham, CC
Chairman of Licensing Committee

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PART A - GENERAL**1. INTRODUCTION**

- 1.1 This Statement of Licensing Policy sets out the principles the Maldon District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:
- designating the body responsible for advising the Authority on the protection of children from harm;
 - determining whether or not a person is an 'Interested Party';
 - exchanging information with the Gambling Commission and others; and
 - inspecting premises and instituting proceedings for offences under the Act.

2. THE LICENSING OBJECTIVES

- 2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the licensing objectives. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 All references to the Gambling Commission's Guidance relate to the Edition (Published in April 2022 and last updated Sept. 2022). These are liable to change as the Guidance is revised from time to time and, if considered necessary, this Statement of Gambling Policy will be revised to comply with any future changes to the Guidance. A copy of the current Gambling Commission Guidance can be found on the Council's website.

3. DESCRIPTION OF THE DISTRICT

- 3.1 The Maldon District is situated in the County of Essex which comprises twelve District, Borough or city Councils and two Unitary Authorities. The District wraps around the Blackwater estuary to the East of the County with the River Crouch forming the Southern boundary. Over 70 miles of coastline with the North Sea provides the Eastern boundary. It covers an area of 36,000 hectares and borders Braintree District Council, Chelmsford City Council, Colchester Borough Council and Rochford District Council.
- 3.2 The Maldon District has a population of 66,200 (ONS 2021). It is mainly rural in character with the main towns of Maldon, Heybridge and Burnham-on-Crouch surrounded by numerous villages, each with their own individual character. A map of the District is attached as [Appendix A](#).
- 3.3 There are few premises in the District which provide facilities for gambling. The premises that do provide such facilities are predominantly public houses and clubs where gaming machines are provided. The District has a small number of traditional high street betting shops and family entertainment centres associated with coastal holiday parks. There are approximately 40 - 50 local voluntary charitable and other organisations that are registered to hold regular small society lotteries.

4. RESPONSIBILITIES UNDER THE ACT

- 4.1 The Act establishes each district or borough council as the licensing authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Maldon District Council is the Licensing Authority for the Maldon District.
- 4.2 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - provide facilities for betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 4.3 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting (regulated by the Financial Services Authority) and the National Lottery (regulated by the National Lottery Commission). It is also responsible for issuing permits for premises with gaming machines, for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis and the registration of exempt Small Society Lotteries.
- 4.4 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:
- in accordance with any relevant codes of practice;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Licensing Authority's Statement of Licensing Policy.
- 4.5 Before the Licensing Authority can consider an application for a Premises Licence, an Operating and / or Personal Licence must have been obtained from the Gambling Commission.

5. STATEMENT OF LICENSING POLICY

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 5.2 In this document, this is referred to as 'the Policy'. The Policy must be reviewed and published every 3 years. The Policy must also be reviewed from and any proposed amendments and/or additions must be subject to fresh consultation. The new Policy must then be published.
- 5.3 This Policy initially took effect on January 2019.

5.4 The Policy is contained within Paragraphs 1 to 33 of this document and is supported by a number of other appendices that provide important and supporting information aimed at helping those reading or referring to it. The information provided outside paragraphs 1 to 33 may be subject to change from time to time, but any such changes will not invoke the procedures for revision of the Policy.

6. CONSULTATION

6.1 When first producing Policy under the Act, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees, the Council chose to consult with additional local groups and individuals.

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

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

6.3 During the original consultation, the other groups and people consulted were organisations, including:

- faith groups, voluntary and community organisations working with children and young people or working with people who are problem gamblers;
- medical practices or primary care trusts;
- the Citizens' Advice Bureau;
- other tiers of local government; and
- businesses who are, or were to be, holders of Premises Licences.

6.4 Any review of the Statement of Licensing Policy will be published in accordance with the Gambling Act 2005 and will be published on the Council's website.

6.5 A list of those consulted during this review is shown in [Appendix C](#).

7. APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on 8 November 2018 and was published via its website in December 2018.

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

8. DECLARATION

8.1 In this Policy, the Licensing Authority declares that it has had regard to the licensing objectives, formal guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.

- 8.2 The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate responsibilities.
- 8.3 Appendices have been attached to this Policy providing further information and guidance that are intended only to assist readers and should not be interpreted as legal advice or constituent to the Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or the Guidance or Regulations made under the Act.

9. RESPONSIBLE AUTHORITIES

- 9.1 A full list of the responsible authorities designated under the Act and their contact details are given in [Appendix D](#). The Licensing Authority is designated as a responsible authority under the Act.
- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:
- the competency of the body to advise the Licensing Authority;
 - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons rather than any particular invested interest group, etc.
- 9.3 In accordance with the Gambling Commission's guidance to local authorities, Maldon District Council, as the Licensing Authority, designates the Essex County Council Children's Safeguarding Service for this purpose.

10. INTERESTED PARTIES

- 10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:-
- '... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:
- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b. has business interests that might be affected by the authorised activities, or
 - c. represents persons who satisfy paragraphs (a) or (b).'
- 10.2 Interested parties can be persons who are democratically elected such as District and Town/Parish Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or Member of Parliament represents the ward likely to be affected. Likewise, Parish and Town Councils likely to be affected will be considered to be interested parties.
- 10.3 District Councillors who are Members of the Licensing Committee will not qualify to act in this way.
- 10.4 Other than the persons mentioned above, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

- 10.5 The Licensing Authority considers that Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as 'interested parties' where they can demonstrate that they represent persons in (a) or (b) above.
- 10.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:
- size of the premises;
 - nature of the premises;
 - distance of the premises from the location of the person making the representation;
 - potential impact of the premises (e.g. number of customers and routes likely to be taken by those visiting the establishment);
 - interests of the person or business making a representation, which may be relevant to the distance from the premises;
 - catchment area of the premises (i.e. how far people travel to visit); and
 - whether the person making the representation has business interests in that catchment area that might be affected.

11. EXCHANGE OF INFORMATION

- 11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:
- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
 - guidance issued by the Gambling Commission;
 - Data Protection Act 2018;
 - Human Rights Act 1998;
 - Freedom of Information Act 2000;
 - Environmental Information Regulations 2004;
 - the Common Law Duty of Confidence;
 - Electronic Communications Act 2000;
 - Computer Misuse Act 1990;
 - Criminal Procedure and Investigations Act 1996; and
 - Crime and Disorder Act 1998.
- 11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. Written confirmation may include information in electronic form. An audit trail should include:
- a record of the data disclosed;
 - a project chronology; and
 - notes of meetings with other partners and recent correspondence including phone calls.

12. PUBLIC REGISTER

- 12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register.

13. COMPLIANCE AND ENFORCEMENT

- 13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton and McCrory reviews of regulatory inspections and enforcement and consisting of the following:
- Proportionate – intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
 - Accountable – authorities must be able to justify decisions and be subject to public scrutiny.
 - Consistent – rules and standards must be joined up and implemented fairly.
 - Transparent – enforcement should be open and regulations kept simple and user friendly.
 - Targeted – enforcement should be focused on the problems and minimise side effects.
- 13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible.
- 13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, will be available on the Council's website: www.maldon.gov.uk

14. DELEGATION OF POWERS

- 14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in [Appendix E](#).

PART B – PREMISES LICENCES**15. GENERAL PRINCIPLES**

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

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

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- to be reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Licensing Policy.0

15.3 Definition of Premises

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

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

15.4 Demand

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

15.5 Location

15.5.1 Location will only be a material consideration in the context of the licensing objectives.

15.6 Duplication with other Regulatory Regimes

15.6.1 Duplication with other statutory / regulatory regimes will be avoided where possible. The Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building control consent.

15.7 Licensing Objectives

15.7.1 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the following will be considered:

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

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

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

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

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

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

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

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

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

15.8 Conditions

15.8.1 The Licensing Authority is aware that the mandatory and default conditions imposed under the Act will normally be sufficient to regulate gambling premises. In exceptional cases, where there are specific risks or problems associated with a particular locality, specific premises or class of premises, the Authority may consider attaching individual conditions related to the licensing objectives.

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

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

15.9 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications, the Licensing Authority will particularly take into account the following:

- proof of age schemes
- CCTV
- door Supervisors
- supervision of entrances / machine areas;
- physical separation of areas;
- location of entry;

- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

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

15.11 There are conditions which the Licensing Authority attach to Premises Licences. These are:

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

15.12 **Door Supervisors**

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

15.13 **Credit**

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

15.14 **Betting Machines**

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

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

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

15.14.3 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merits and account will be taken of codes of practice or guidance issued under the Act.

16. PROVISIONAL STATEMENTS

16.1 In light of the judgement in respect of an application for a Betting Premises Licence in respect of premises located in Southend-on-Sea, notwithstanding paragraphs 7.55, 7.56 and 7.57 of the Gambling Commission's Guidance to Licensing Authorities:

A Premises Licence under the Gambling Act 2005 may lawfully be granted in respect of premises that are not ready to be used for gambling, the premises being about to be or in the course of construction or alteration, and they being premises which the applicant has a right to occupy and in respect of which he/she holds an operating licence which authorises him/her to carry on the activity in respect of which the Premises Licence is sought.

17. REPRESENTATIONS AND REVIEWS

17.1 Representations and applications for review of Premises Licence may be made by responsible authorities and interested parties.

17.2 The Licensing Authority can make a representation or apply for a review of a Premises Licence on the basis of any reason that it thinks is appropriate.

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

- frivolous or vexatious.
- based on grounds that will certainly not cause the Authority to wish to alter/revoke/suspend a licence or remove, amend or attach conditions on the licence;
- substantially the same as previous representations or requests for a review;
- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives.

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

18. RISK ASSESSMENTS

18.1 Licensees must assess the local risks to the licensing objectives posed by the provision of the gambling facilities at that premises. The licensee must have policies, procedures and control measures in place to mitigate those risks. The local area risk assessment must be kept on site and presented to an authorised officer on request.

18.2 The Licensing Authority expects the local risk assessment to consider as a minimum:

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

- identify how vulnerable people, including people with gambling dependencies, are protected.

18.3 The licensee must review and update their local risk assessments regularly (at least annually) or where there has been a significant change in local circumstances or at the premises.

19. ADULT GAMING CENTRES

19.1 An Adult Gaming Centre is defined in [Appendix B](#). Entry to these premises is age restricted.

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

20. LICENSED FAMILY ENTERTAINMENT CENTRES

20.1 A Licensed Family Entertainment Centre is defined in [Appendix B](#). Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

21. CASINOS

21.1 Casinos are defined in [Appendix B](#). The Licensing Authority has resolved not to issue casino premises licences in the Maldon District. This decision was based on:

- consideration of the national award of the location of the initial 17 new casinos (which did not affect the Maldon District);
- there not being a realistic prospect of such a facility being developed in the Maldon District in the short term; and
- the interests of clarity.

21.2 In making this decision, the Licensing Authority consulted widely on its draft Policy on this specific issue. Any future change to this policy will only be decided after a full consultation process.

22. BINGO PREMISES

22.1 A Bingo Premises is defined in [Appendix B](#). Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

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

23. BETTING PREMISES

- 23.1 Betting Premises are defined in [Appendix B](#).
- 23.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24. TRACKS

- 24.1 A Track is defined in [Appendix B](#). Entry to parts of these premises is age restricted. On race days, specific areas within the track may be age restricted dependent on the licensable activities taking place.

25. TRAVELLING FAIRS

- 25.1 Travelling Fairs are defined in [Appendix B](#). The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

PART C – PERMITS / TEMPORARY OR OCCASSIONAL USE NOTICES / REGISTRATIONS**26. GENERAL**

26.1 Forms and method of application and any additional information or documents required for permits covered by this section are shown in [Appendix F](#).

27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

27.1.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of Licensing Principles

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

- a Disclosure and Barring Service check to ensure the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be against that person, where the applicant is a company the check will be against the person having the day to day control at the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises; and
 - suspected truant children.

28. ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, Categories C and/or D. The Premises Licence holder must notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

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

28.3 Premises restricted to selling alcohol only with food will not be able to apply for a permit.

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

- adult machines being in sight of the bar;

- adult machines being in sight of staff who will monitor to ensure the machines are not being used by those under 18;
- appropriate notices and signage; and
- as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as GamCare.

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

29. PRIZE GAMING PERMITS

29.1 Where a premise does not hold a Premises Licence but wishes to provide prize gaming, an application for a Prize Gaming Permit may be made to the Licensing Authority. The applicant must specify the nature of gaming for which the permit is sought and demonstrate that they understand the limits on stakes and prizes that are set out in Regulations, and that the gaming offered is within the law.

29.2 Statement of Licensing Principles

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

- a Disclosure and Barring Service check to ensure the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be against that person, where the applicant is a company the check will be against the person having the day to day control at the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:-
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises; and
 - suspected truant children.

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

30. CLUB GAMING AND CLUB MACHINE PERMITS

30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit but are restricted by category and number of machines and to equal chance gaming and games of chance.

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

31. TEMPORARY USE NOTICES (TUNS)

- 31.1 The person designated to receive TUNs and to issue objections is specified in [Appendix E](#).
- 31.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.
- 31.3 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving Notice in respect of different parts.
- 31.4 The definition of a 'set of premises' will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 31.5 The Licensing Authority will object to Temporary Use Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

32. OCCASIONAL USE NOTICES (OUNS)

- 32.1 Occasional Use Notices apply only to tracks which are described as being premises on any part of which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.
- 32.2 OUNs are intended to permit licensed betting operators who have appropriate permission from the Gambling Commission to use tracks for short periods to conduct betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded.
- 32.4 The Licensing Authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 32.5 The person designated to receive OUNs and to assess their validity is specified in the scheme of delegation as shown in [Appendix E](#). A copy of the notice must also be served on the local Chief of Police,

33. SMALL SOCIETY LOTTERIES

- 33.1 All Small Society Lotteries must be registered with the Licensing Authority.
- 33.2 Small Society Lotteries are defined in [Appendix B](#).

APPENDICES

APPENDIX A – MAP OF THE MALDON DISTRICT



APPENDIX B - DEFINITIONS

For the purpose of this policy the definitions contained in this appendix are included to provide an explanation of certain terms included in the Act and the Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act itself.

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Betting Premises	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. Betting premises may be off course, previously known as licensed betting offices, or on tracks where the betting office has a separate licence to the track.
Bingo	No statutory definition in Act. Bingo is game of equal chance and may be Cash Bingo or Prize Bingo.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B, C or D.
Conditions	<p>Conditions to be attached to licences by way of:</p> <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Secretary of State • Conditions provided by Gambling Commission • Conditions provided by Licensing Authority <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub- Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to

	<p>be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> • Small Society Lottery required to register with Licensing Authorities. • Incidental Non Commercial Lotteries. • Private Lotteries. • Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission dated May 2009.
Human Rights Act 1998 Articles: 1,6,8 and 10	<p><u>Article 1: Protocol 1</u> The right to peaceful enjoyment of possessions.</p> <p><u>Article 6:</u> The right to a fair hearing.</p> <p><u>Article 8:</u> The right of respect for private and family life.</p> <p><u>Article 10:</u> The right to freedom of expression.</p>
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	<p>A person who:</p> <ul style="list-style-type: none"> • Lives sufficiently close to the premises to be likely affected by the authorised activities. • Has business interests that might be affected by the authorised activities. • Represents persons in either of the above groups.
Licensed Family Entertainment Centre	A Family Entertainment Centre operated by a person holding a gaming machine general operating licence. A Licensed FEC may make category C and D gaming machines available to its customers.
Licensing Objectives	<ul style="list-style-type: none"> • 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

	<p>open way.</p> <ul style="list-style-type: none"> Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:</p> <ul style="list-style-type: none"> Identify the promoting society; State the price of the ticket, which must be the same for all tickets; State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and State the date of the draw or enable the date of the draw to be determined.
Members' Club	<p>A club that must:</p> <ul style="list-style-type: none"> Have at least 25 members; Be established and conducted 'wholly or mainly' for purposes other than gaming; Be permanent in nature; Not be established to make commercial profit; Be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting taking place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	<p>Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling.</p> <p>Cannot be held by companies.</p>
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on

	casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; • Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; • Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:</p> <ul style="list-style-type: none"> • Expects to be constructed or altered. • Expects to acquire a right to occupy.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> • The Licensing Authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police • Fire and Rescue Service • The Planning Authority for the local authority area • Environmental Health Service for the local authority area • The Body competent to advise on the protection of children from harm • HM Revenue and Customs • Authority in relation to vulnerable adults • Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency. <p>Full details of responsible authorities for the Maldon</p>

	District are contained in Appendix D to this Policy.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to include people who: <ul style="list-style-type: none"> • gamble more than they want to • gamble beyond their means • who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

APPENDIX C - LIST OF CONSULTEES

Chief Officer of Essex Police Essex Fire and Rescue Services Gambling Commission
Maldon District Council (as the Licensing Authority)

Ladbrokes Madison Heights
Mill Beach Seaside Resort Park Holidays
Park Resorts Three Rivers Club Warren Golf Club

Gamble Aware

Local residents and other interested parties via Notice of Intention on the Council's
notice board and website

APPENDIX D - RESPONSIBLE AUTHORITIES

Applications for a **Premises Licence** must be sent to the Licensing Authority and all the responsible authorities listed below.

Applications for a **Temporary Use Notice (TUN)** must be sent to the Licensing Authority(ies) in whose area the premises are, Essex Police and HM Commissioners of Customs and Excise.

Applications for **Occasional Use Notices (OUN)** should be sent to the Licensing Authority and Essex Police.

ORGANISATION	ADDRESS	CONTACT
Maldon District Council	Licensing Officer Maldon District Council Princes Road Maldon CM9 5DL	Tel: 01621 854477 E-mail: licensing@maldon.gov.uk Website: www.maldon.gov.uk
Gambling Commission	Victoria Square House 4th Floor Victoria Square Birmingham B2 4BP	Tel: 0121 230 6666 E-mail: Licensing@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
Essex Police	Licensing Dept. Essex Police Blyth's Meadow Braintree Essex CM7 3DJ	Tel: 01245 452035 E-mail: licensing.applications@essex.police.uk Website: www.essex.police.uk/licensing
Essex County Fire and Rescue Service	North East Group Service Delivery Point Fire Station Cowdray Avenue Colchester CO1 1XT	Tel: 01376 576625 Email: NorthEastGroupSDP@essex-fire.gov.uk
Maldon District Council	Director of Performance, Strategy and Governance Maldon District Council Princes Road Maldon Essex CM9 5DL	Tel: 01621 854477 E-mail: environmentservices.request@maldon.gov.uk Website: www.maldon.gov.uk
Essex County Council Quality Assurance and Safeguarding Service	Local Authority Designated Officer (LADO) FAO: Licensing Quality Assurance and Safeguarding Service Family Operations 70 Duke Street Chelmsford Essex CM1 1JP	Tel: 03330 139797 Email: LicenceApplications@essex.gov.uk Website: www.essexcc.gov.uk
Her Majesty' Revenue and Customs	HM Revenue and Customs Excise Processing Team BX9 1GL	Tel: 0141 5553633 E-mail: Nru.betting&gaming@hmrc.gsi.gov.uk Website: www.hmrc.gov.uk

APPENDIX E - TABLE OF DELEGATIONS

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

APPENDIX F - APPLICATION PROCESS

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

PREMISES LICENCES

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

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

Premises Licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries), adult gaming centres and family entertainment centres providing category C gaming machines.

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

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

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

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

New Licences or Permissions

Applicants wishing to commence operating may apply to the Gambling Commission for an Operator's Licence and to the Licensing Authority for a Premises Licence.

TRACKS

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

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

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

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting

Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see '*the Gambling Commission's guidance*' at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see '*Betting machines*'). The licensing process is the same as for other premises described above.