



Licensing and Health and Safety Enforcement Committee

TUESDAY 21 SEPTEMBER 2021 AT 7.30 PM

Conference Rooms - The Forum

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Allen	Councillor Link
Councillor Mrs Bassadone	Councillor Peter
Councillor Bhinder (Vice-Chairman)	Councillor Pringle
Councillor P Hearn (Chairman)	Councillor Rogers
Councillor Imarni	Councillor R Sutton
Councillor Johnson	Councillor Woolner

Substitute Members: Councillors

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

- 1. MINUTES** (Pages 3 - 5)
To approve the minutes from the last meeting held on 29th June 2021.
- 2. APOLOGIES FOR ABSENCE**
To receive any apologies for absence
- 3. DECLARATIONS OF INTEREST**
To receive any declarations of interest.
- 4. PUBLIC PARTICIPATION**
- 5. REVIEW OF LICENSING ENFORCEMENT POLICY** (Pages 6 - 28)

6. REVIEW OF GAMBLING ACT STATEMENT OF PRINCIPLES (Pages 29 - 90)

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

29 JUNE 2021

Present-

MEMBERS:

Councillor Hearn (Chairman), Bassadone, Johnson, Link, Peter, Pringle, Rogers and Sutton

OFFICERS:

Nathan March	Licensing Team Leader
Nargis Sultan	Legal Governance Team Leader
Trudi Angel	Corporate & Democratic Support Officer (Minutes)

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meetings held on 16 March and 12 May were agreed by the members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Woolner.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PUBLIC PARTICIPATION

There was no public participation.

5. REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

N March introduced the report and advised we were required to review our Gambling Act Statement of Principles every three years due to legislation. There hasn't been any significant changes and the Gambling Commission were responsible for the guidance that they provide us in relation to our policy. They've advised us to go for a short consultation this time due to the lack of significant changes and they provided us with a track changes version of their guidance which we were able to use to check through our policy. He said he has been through their changes and reflected those in our document so this was really just a case of updating our policy in line with what

the Gambling Commission required and then seek to go out to consultation on that. We have to do a wide consultation but a fairly short one which is why he proposed four weeks, and following that consultation the policy will come back to this committee to be recommended for adoption by Full Council. He welcomed questions from the committee.

The Chairman referred to the Statement of Principles at Appendix 1 and noted the following point at 10.5:

The licensing authority notes the Commission's guidance on the meaning of 'available for use', including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on.

The Chairman asked for N March's thoughts on this. She recalled being in premises where they had just taken the plug out of the machine at the end of the day.

N March explained they only really find out about these things if they receive complaints or reports and it was unlikely that someone would contact the council to say they noticed a machine was just unplugged. He said if officers were carrying out inspections and happened to notice that issue then they may have to consider how many machines were in the premises and how restricted and controlled the plugs and sockets were.

Councillor Pringle questioned whether there was any opportunity to alert those bodies who assist individuals with gambling problems to this consultation and ask them for their direct response rather than just hoping they come across it and respond.

N March advised they do have statutory consultees that they have to make sure they directly consult with but it should be a wide consultation, albeit a short one, for any organisation or provider that identifies that they may have a response. He explained they do have a list that they try to maintain and the consultation will be sent to all of those contacts, however some may bounce back where the addresses have changed in the last three years and need updating. He said getting responses for these consultations was quite difficult, even from those organisations that will have a keen interest. He suggested the biggest challenge was remote gambling as we don't have any control over that.

Decision

That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.

6. MOBILE HOMES ACT 2013 – FIT AND PROPER PERSON REQUIREMENT

N March introduced the report and explained that the Mobile Homes Act 2013 included an aspect which requires anyone managing a site to be a fit and proper person, however regulations weren't brought in in relation to what that meant until the

end of last year. He said the requirement begins on 1st July, although there was a transition period.

He advised we had 5 mobile home sites that would be affected and it was a statutory requirement we have a fit and proper person test and people need to apply to become part of our register. A lot of work has to go into setting that up but as long as the people that make the applications are fit and proper there should be minimal work after that. The requirement was any mobile home site has someone identified as the site manager, they apply to be added to a register which goes on the DBC website as a public register, and we assess them to consider whether they are fit and proper or not. If the application was approved the individual would be added to the register but if it was refused the individual will be able to appeal that decision. There were various requirements in relation to how we assess whether a person is fit and proper and the Council was required to gather certain information.

Given the timescales for this requirement he recommended that he is delegated the responsibility for getting the application forms in place, setting up a page on the website and arranging for the register to appear online. He also recommended that the responsibility for assessing the applications was delegated to him if there were no concerns about being fit and proper, or if there were concerns the application would be assessed by the Group Manager or Assistant Director of the service.

He suggested that we don't charge a fee for this service due to the challenges, policies and timescales that would be involved in charging a fee. He felt it would be better to get this in place to see how much resource was required in maintaining the register and then review it in January ahead of the new financial year.

He welcomed questions from the committee.

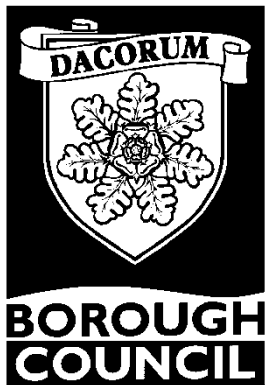
There were no questions.

Decision

1. That the Licensing Team Leader be delegated responsibility for the provision of the relevant application form, and procedures to ensure that the Council can meet its responsibilities in regards to the determination of whether individuals are fit and proper to hold a caravan site licence.
2. The Licensing Team Leader to be delegated authority to determine applications for inclusion on the register.
3. The Assistant Director (Corporate and Contracted Services) or Group Manager (Legal and Corporate Services) to be delegated responsibility for consideration of any representations made following a preliminary decision notice being issued.

The meeting finished at 7.45 pm.

Agenda Item 5



AGENDA ITEM:

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	21 September 2021
PART:	I
If Part II, reason:	

Title of report:	Review of Licensing Enforcement Policy
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To present proposed updates to the Council's Licensing Enforcement Policy, and to seek approval to commence public consultation.
Recommendations	That consultation be carried out on the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.
Corporate objectives:	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Delivering an efficient and modern council • Building strong and vibrant Communities • Ensuring economic growth and prosperity
Implications:	<u>Financial / Value for Money / Risk / Health & Safety</u> None arising.

Consultees:	This is a pre-consultation report. If the recommendation is approved, the results of public consultation will be reported to a future meeting of the Committee.
Background papers:	Draft Licensing Enforcement Policy 2021-2026 (attached as Appendix 1)
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council exercises a wide range of licensing powers across numerous pieces of legislation, many of which contain enforcement provisions, such as offences for carrying out particular conduct, or powers of entry and inspection to premises where licensable activities are carried on, with or without licences. These powers are underpinned by generic enforcement legislation, such as the Police and Criminal Evidence Act 1984, and associated codes of practice.
- 1.2. The enforcement policy contains guidance for licensed businesses and persons affected by such businesses on how we will exercise our legal powers. It also brings together expectations created under various number of charters, codes of practice and statutory guidance, which we will also take into account when exercising our powers.
- 1.3. The current enforcement policy was last reviewed in 2016. As the enforcement policy references generic powers and is considered to have worked effectively over the last 5 years, no significant changes are proposed from the current version, and it is intended that this policy should have effect for a further 5 years, with effect from its adoption.
- 1.4. The draft licensing enforcement policy for 2021-2026 is appended to the report.

2. CONSULTATION AND TIMESCALES

- 2.1. It is considered important that those persons who may be affected by these policies have the opportunity to comment upon and influence the proposals, and as such public consultation on both policies is proposed. As this is not a statutory policy, there are no formal requirements relating to consultation. As such it is intended to publish the draft policy on the Council's website, with notification sent to key parties, including elected representatives, parish and town councils, and trade bodies.
- 2.2. As only minor changes have been made to the policy, a four week consultation is proposed.

3. RECOMMENDATION

3.1. That consultation be carried out on the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.



Licensing Enforcement Policy

2021 – 2025

Date of publication	*****2021
Version no.	4.0 DRAFT
Review date	***** 2025

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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1. About this document

- 1.1. Dacorum Borough Council has a responsibility to protect the community it serves, using the legislative powers delegated by central government. The Council implements, administers and enforces a range of legislation intended to protect public safety, local economies and the environment from adverse effects of the provision of licensable activities.
- 1.2. The purpose of this Licensing Enforcement Policy is to set out the general principles and approach that Dacorum Borough Council will follow when taking enforcement or compliance actions under licensing legislation. The Policy aims to ensure that all enforcement action is conducted in accordance with the Better Regulation principles of proportionality, accountability, consistency, transparency and targeting.
- 1.3. Our primary objective is to achieve regulatory compliance. The Licensing Enforcement Policy therefore provides guidance to officers, businesses and the general public on the way in which we will exercise our enforcement powers to achieve compliance with the legislation enforced by the Licensing Section. However, the emphasis is primarily on the methods and principles that we will follow, and this document does not attempt to create a comprehensive list of the powers open to us.
- 1.4. This policy was adopted by the Council’s Licensing, Health & Safety and Enforcement Committee on the xx xxxx 2021, and will be periodically reviewed to ensure its continued accuracy in light of any significant changes in legislation, Codes of Practice or centrally issued guidance, or case law.
- 1.5. While we will have regard to this policy when exercising our powers, the Council will continue to consider each matter on its individual merits and circumstances. Nothing in this policy shall bind the Council to a particular action, or otherwise affect the Council’s discretion to take legal or other enforcement action, in light of the circumstances of a particular case, where this is considered to be in the public interest.
- 1.6. A draft version of this policy was consulted upon prior to adoption, with representatives of licence-holders, statutory agencies, and local residents and businesses invited to comment. All responses were considered prior to the adoption of the final policy.

2. General principles

- 2.1. In accordance with the Better Regulation principles, we will aim to ensure that any action taken to enforce or ensure compliance with legislative requirements is:
 - Proportionate
 - Accountable
 - Consistent
 - Transparent
 - Targeted
- 2.2. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership's "*Better Business for All*" charter, which furthers the above principles and aims to lessen the impact of regulation on businesses. For more information, please visit <http://www.hertfordshirelep.com/Better-Regulation.aspx>
- 2.3. In the first instance, licensing officers will look to advise businesses, especially small and medium enterprises; residents; and other organisations, on issues of compliance and regulation. When attending premises or carrying out inspections, officers will identify themselves by name and will produce identification, unless carrying out authorised covert investigations. Contact details for an appropriate officer will be provided in the event of any further action being required.
- 2.4. When taking enforcement action, in addition to this policy we shall also have regard to the provisions within [any overarching Council-wide Dacorum Borough Council's Enforcement Statement](#).

Proportionality

- 2.5. The Council accepts that any enforcement action should be proportionate to the risks and the perceived severity of the breach, ensuring that the most serious risks are effectively targeted. We will take into account the circumstances of each case and the response of the licence holder or person concerned. The attachment of conditions to licences will follow the same principles and the Licensing Section will work with licensees to assist them in meeting their legal obligations without incurring disproportionate or unnecessary expense.
- 2.6. We will carry out our duties in a fair and reasonable manner. Except in circumstances where immediate action is required, officers will provide an opportunity to discuss the case and, if possible, resolve any point of difference before any formal action is taken. In circumstances where immediate action is considered necessary, an explanation of why such action is necessary will be given at the time. This explanation will subsequently be confirmed in writing.
- 2.7. In considering enforcement action, account will be taken of relevant codes and guidance from legal authorities, public authorities and industry bodies.
- 2.8. Advice will be put clearly and simply and confirmed in writing on request. Explanations of what action is necessary, why it is necessary and over what timescale will be given.
- 2.9. In appropriate circumstances licensing officers may [facilitate-encourage](#) training and education where this is needed to address problems attracting enforcement action. ~~A charge may be made for the provision of formal training.~~

Accountability

- 2.10. This policy, which guides the enforcement actions taken by [o](#)Officers on behalf of the Council, is determined by the Licensing and Health & Safety Enforcement Committee, which is comprised of

democratically elected Councillors. The Committee shall also be responsible for the exercise of many of the stronger powers available to the Council, including most cases warranting the revocation of a licence. The outcomes of other enforcement actions initiated by officers, such as prosecutions, shall be reported to the Committee at regular intervals.

Consistency

2.11. Decisions on enforcement always involve a degree of judgement and the circumstances of each case will inevitably differ in detail. The guidance from official sources that is provided for officers is reviewed on a regular basis and may directly affect enforcement decisions, as may case law. As a result there may be instances when enforcement appears from the outside to be inconsistent.

2.12. However, we will try to ensure that enforcement action is consistent by:

- Following current internal procedural and guidance notes
- Taking into account guidance from other authoritative bodies - e.g. the Home Office; Department for Culture Media and Sport; Department for Transport; Driver and Vehicle Licensing Agency; Driver and Vehicle Standards Agency; the Gambling Commission; the Local Government Association
- Taking account of new legislation or guidance impacting on licensing powers
- Taking account of new case law impacting on licensing matters
- Liaising with other enforcement agencies as appropriate – for example, Hertfordshire Constabulary, Hertfordshire Fire & Rescue Service, Hertfordshire Trading Standards, the Security Industry Authority, the Gambling Commission, DVSA, the RSPCA (in respect of animal welfare matters), and other departments of Dacorum Borough Council, such as Regulatory Services (environmental health issues), Residents Services (anti-social behaviour issues), and Planning
- Adopting an inter-agency approach where the Licensing Enforcement Officers' powers cannot be engaged – for example, ensuring that information gathered in respect of problems such as noise nuisance or anti-social behaviour at licensed premises, but where such evidence is insufficient to justify direct action, is shared with the relevant authorities, who may be able to take alternate action to remedy the issue.

2.13. To help achieve greater consistency on a regional basis, we will actively participate in local authority liaison schemes with neighbouring authorities where available.

2.14. These measures will be further supported by training for enforcement officers, and managerial checks on performance.

Transparency

2.15. We will be open about how work is to be carried out, or why it may be necessary to take enforcement action.

2.16. We will provide information and advice, wherever possible in plain language and in a suitable medium. A clear distinction will be made between what is legally required, and what is advice or guidance and is desirable but not compulsory, in written and verbal communications.

2.17. If requested officers will confirm in writing any verbal advice given.

2.18. In circumstances where remedial work is required, this will be set out clearly and simply in writing. Where there is a contravention of legislation we will indicate which legislation is being contravened and what measures can be taken to achieve legal compliance and acknowledge that other means of achieving the same effect may be taken. Clear guidance will be given as to what action must be taken in order to comply with the legislation and what is recommended as good practice.

2.19. Where immediate action is necessary, an explanation of why such action is necessary will be given, and this will be confirmed in writing.

Targeting

2.20. Enforcement activities are primarily targeted towards activities carrying high risks or where there could be a considerable impact as the result of non-compliance either with licensing conditions or the legislation. Enforcement activities may be targeted towards individuals who are primarily responsible for an activity, who have the greatest responsibility to ensure compliance with the law or who have been subject to previous enforcement action. From time to time we will engage in enforcement activities which are directed towards issues where there is a need to draw attention to the existence of legislation and its enforcement. These may represent national concerns as expressed by central government or its agencies, or local concerns as voiced by Members of the Council, residents or businesses.

2.21. We will undertake programmes of inspection and enforcement in respect of all of the activities for which we issue licences. Each licensing function is assessed against risk and this will be taken into account in establishing the nature and frequency of any inspections or enforcement activity. In the determining the level of risk Officers will consider the following:

- The nature of the licensing function
- The previous history relating to the licensing function
- The nature and extent of complaints received by the Council
- Information received from other agencies or departments
- Safety and public protection issues.

2.22. Where complaints relating to a licensable activity or licence holder are received they will be investigated, and evidence, experience, and this policy will be used to determine an appropriate enforcement action.

Equalities and human rights

2.23. This policy and all associated enforcement decisions take account of the following provisions of the Human Rights Act 1998. In particular, due regard is given to the following:

- Right to a fair trial;
- Right to respect for privacy and family life, home and correspondence.

2.24. We will endeavour to ensure that all parties affected by our enforcement and compliance activities, including both formal and informal action undertaken, receive fair and equitable treatment irrespective of their race, ethnicity, gender, sexuality, disability status or any other identifying characteristic.

3. Visits and inspection of premises (powers of entry)

- 3.1. Many pieces of licensing legislation which we enforce convey powers of entry, allowing authorised council officers to enter and inspect premises, vehicles or other structures which are being used for licensable activities, or where intelligence suggests such use otherwise than in accordance with a licence, permit or registration.
- 3.2. When we exercise a statutory power of entry, we will have regards to the Home Office's Code of Practice on Powers on Entry¹, published pursuant to the Protection of Freedoms Act 2012.
- 3.3. We anticipate that most visits to, and routine inspections of, licensed premises will be pre-arranged and carried out with the licence-holder's knowledge and consent – particularly inspections required to assess the suitability of premises prior to the grant or renewal of a licence. In such cases, the purpose of and procedures for inspections will be outlined either within application guidance and related licensing policies, or when arranging the visit or inspection.
- 3.4. For other compliance and enforcement visits and inspections, we will follow any applicable statutory prerequisites to powers of entry. We will consider whether it is appropriate and practicable to give prior notice of the visit or inspection, and will do so where we are satisfied that pre-notification will not undermine or defeat the purpose of that inspection. However, we retain the right to carry out unannounced visits or inspections where we consider this appropriate and necessary. This is likely to be the case where we receive complaints or allegations of misconduct or breaches of licences which may, if true, be detrimental to public safety and require immediate remedial action to resolve. In such circumstances, the powers of entry and purpose of the inspection will be explained to a responsible person at the start of the visit or inspection.
- 3.5. We will attempt to notify and gain consent of the owner, occupier or appropriate representatives (e.g. premises manager or member of shop staff) of premises which are to be inspected under a power of entry at or before the start of a visit or inspection. However, where exercising a statutory power of entry, such visits or inspections may proceed without consent if this is deemed to be necessary and any other applicable legal prerequisites have been satisfied. Where consent to enter premises is refused or withdrawn, we will document our efforts to obtain that consent, and this evidence may be referred to in any subsequent proceedings. We will also explain to any person who appears to be responsible for the premises the effect of the statutory power of entry and any consequences of obstructing authorised officers in the course of their duties.
- 3.6. Where appropriate for the exercise of our own statutory powers, licensing officers may accompany other authorised officers exercising relevant powers of entry at licensed premises, or be accompanied during inspections under licensing powers by authorised officers from agencies with statutory responsibilities for that premises. Examples of such joint working may include officers authorised by: other Dacorum Borough Council departments, such as Planning, Regulatory Services (environmental health), Anti-Fraud or Anti-Social Behaviour; the Gambling Commission; Hertfordshire Constabulary; Hertfordshire Fire & Rescue Service; Hertfordshire Public Health; Hertfordshire Trading Standards; Home Office Immigration Enforcement; and the Security Industry Authority. From time-to-time, we may also be accompanied by professional advisers appointed by the Council, including vehicle mechanics or veterinary surgeons/practitioners. We will however aim to ensure that the number of persons inspecting premises remains reasonable and proportionate.
- 3.7. Where prior judicial approval to utilise powers of entry is required, we will follow the applicable legislation and maintain appropriate records of steps to obtain such approval.

¹ <https://www.gov.uk/government/publications/powers-of-entry-code-of-practice>

4. Enforcement options

4.1. In any situation which requires action to ensure compliance with legislation, officers will consider the following when deciding on the most appropriate enforcement action:

- The degree of risk from the situation
- The particular circumstances of the case and likelihood of its continuation or recurrence
- Whether any harm was caused
- The aim to eliminate any financial gain or benefit from non-compliance
- The general attitude of the offender to his or her responsibilities
- The past history of the person(s), company or premises involved
- The impact of the enforcement choice in encouraging others to comply with the law.
- The likely effectiveness of the various enforcement options
- Any legal guidance
- Any Guidance document or Policy Statement issued by the Council, whether adopted under a statutory requirement or published in pursuit of the transparency principle.

4.2. Where the law has been contravened, there is a range of enforcement options available to seek compliance with the law, including both formal and informal measures. Under normal circumstances, a process of escalation will be used until compliance is achieved. Exceptions would be where there is a serious risk to public safety or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.

4.3. As a general rule, the following options for enforcement action are open to the Council:

- To take no action
- To refer the matter to another service or agency
- Informal action – written or verbal warnings
- To administer a simple caution
- Hearings and reviews
- Refusal, suspension and revocation of licence
- Prosecution
- Exercising closure powers under the Anti-Social Behaviour Crime and Policing Act 2014

No action

4.4. In certain circumstances, contravention of the law may not warrant any action. This may be where the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has already ceased to trade in contravention of the law and will certainly not reoffend, or where the offender is infirm and formal action could seriously damage their wellbeing. In such cases we will advise the offender of the reasons for taking no action.

Referrals to other agencies and partnership working

4.5. From time to time matters under investigation are found to fall more appropriately under the enforcement regime of another regulatory body or agency, e.g. Police, Fire Authority, Planning Department, Trading Standards or the Gambling Commission. In all cases of referred enforcement the person(s) under investigation will be notified of the reasons for referral in writing.

Informal actions

4.6. For minor breaches of the law we may give verbal or written advice. We will clearly identify any

contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of non-compliance.

- 4.7. Sometimes advice will be given about 'good practice'. In such cases, we will clearly distinguish between what steps they must carry out to comply with the law, and additional advisory steps.
- 4.8. Informal action will be recorded on departmental files and will be used as a basis for judgements on future enforcement action if there are recurrent problems with an individual or premises.
- 4.9. Failure to comply with recommendations arising from informal actions, or repeated misconduct, could result in an escalation of enforcement action.

Simple cautions

- 4.10. In certain cases, a simple caution may be offered instead of prosecution. It should be noted that, although not a conviction, a caution still represents an admission of the commission of a criminal act, and as such may be formally recorded and appear on future criminal records checks, or be cited during future legal actions. In circumstances where a simple caution is offered and refused then the case will usually proceed to court.
- 4.11. A caution may be offered if:
 - It is a first offence,
 - Evidence of offences warranting prosecution exists,
 - The offender admits the offence and agrees to be cautioned,
 - The offender is committed to preventing the likelihood of a re-occurrence, and
 - It is in the public interest as detailed in the Code for Crown Prosecutors.
- 4.12. When considering whether to offer a simple caution, we will take into account the wilfulness with which the offence was committed, the subsequent attitude of the offender and the views of the victim. An offer of a simple caution will always be accompanied by a full explanation of the effects and implications of acceptance, and a suitable period of time will be given to allow the full consideration of the offer.
- 4.13. There is no inherent right to be offered a simple caution as a means of disposal of an investigation. In all cases, decisions on whether to offer a caution will be made by the Council, following consultation between the officer investigating the applicable misconduct and the Council's Legal team.

Hearings and Reviews

- 4.14. Certain behaviour, conduct or incidents may give cause for the referral of a licence to the Council's Licensing Committee to allow that licence to be reviewed or reconsidered. Although different legislative areas make specific provisions and processes for action of this type, typical circumstances that may warrant such action include:
 - Where the licence-holder has been convicted of a relevant offence, or has otherwise committed a criminal act
 - Where the licence-holder or their staff have failed to comply with a condition of the licence
 - Where the licence-holder has behaved in a way which calls into question their suitability to hold a licence
 - Where the licence-holder has behaved in a way which is likely to have put the public at risk, or
 - Where the proprietors of licensed premises have failed to take suitable and sufficient action to promote the licensing objectives of the Licensing Act 2003 or Gambling Act 2005.

4.15. Where cases are referred to a Committee, we will:

- Give sufficient notice of the date on which the matter is to be considered
- Give proper notice to the licence-holder of the allegations against them
- Give notice to other affected parties with a right of appearance
- Allow the licence holder to obtain appropriate representation, if desired
- Provide the licence holder with the opportunity to address the Committee, present his/her case and provide supporting evidence
- Ensure the matter is determined in an impartial manner in accordance with the rules of natural justice
- Provide a written notice of the decision with reasons, and details of any right of appeal.

Licensing Act 2003

4.16. Under the Licensing Act 2003, where a review of a premises licence is carried out under sections 52, 53C or 167 of the Act, the options available to the Licensing Committee are:

- To take no action
- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

4.17. Where a review of a club premises certificate is carried out under section 88 of the Act, the options available to the Licensing Committee are:

- To take no action
- To modify the conditions of the certificate
- To exclude a qualifying club activity from the scope of the certificate
- To suspend the certificate for a period not exceeding three months
- To revoke the certificate

4.18. The following powers have been delegated to the Council's licensing officers:

- To make representations on behalf of the licensing authority in respect of applications under sections 17, 29, 34, 41A, 51, 53A, 71, 84, 86A, 87 or 167
- To apply for the review of a premises licence under section 51, and make appropriate supporting representations at the resulting committee hearing
- To apply for the review of a club premises certificate under section 87, and make appropriate supporting representations at the resulting committee hearing

4.19. The above powers shall be utilised only in cases where there is sufficient demonstrable evidence to support the grounds for representation or application, and where the content of the representation or application cannot be made by another responsible authority, either because the matter concerned falls outside of their statutory remit, or because the evidence that supports the representations is held by licensing officers (for example, evidence of a previous breach of the conditions of a licence).

4.20. In all cases, an officer exercising a power under this section shall not have any involvement in the [provision of chargeable pre-application advice](#), the administration of the application, nor the presentation of the application to the Committee determining the application (although that officer

may appear at the hearing as the review applicant or representor, as applicable).

Gambling Act 2005

4.21. Under the Gambling Act 2005, where review of a premises licence is carried out under section 202 of the Act, the options available to the Licensing Committee are: -

- To take no action
- To exclude a default condition attached to the licence under section 168, or remove or amend an exclusion; or to add, remove or amend a condition under section 169.
- To suspend the licence for a period not exceeding three months
- To revoke the licence

4.22. The following powers have been delegated to the Council's Licensing Enforcement Officers:

- To make representations on behalf of the licensing authority in respect of applications under sections 159, 187, 188, 195, 197, 200 or 204
- To apply for the review of a premises licence under section 197, and make appropriate supporting representations at the resulting committee hearing
- To initiate reviews of premises licences of a particular class under section 201, and make appropriate supporting representations at the resulting committee hearing(s)

4.23. The above powers shall be utilised only in cases where there is sufficient demonstrable evidence to support the grounds for representation or application, and where the content of the representation or application cannot be made by another responsible authority, either because the matter concerned falls outside of their statutory remit, or because the evidence that supports the representations is held by licensing officers (for example, evidence of a previous breach of the conditions of a licence).

4.24. In all cases, an officer exercising a power under this section shall not have any involvement in [the provision of chargeable pre-application advice](#), the administration of the application, nor the presentation of the application to the Committee determining the application (although that officer may of course appear at the hearing as the review applicant or representor, as applicable).

Hackney Carriage / Private Hire Vehicles and Drivers

4.25. When considering an application for the grant of a licence, the Council must be satisfied that the applicant is a "fit and proper" person to hold a licence, and may refuse the application if it is not so satisfied. The term 'fit and proper' covers a wide array of matters, and is discussed in further detail in the council's published guidelines on this topic.

4.26. A number of powers are provided within the Local Government (Miscellaneous Provisions) Act 1976 for the revocation, suspension or refusal of renewal of licences issued in respect of hackney carriage and private hire drivers, vehicles and operators.

4.27. In respect of hackney carriage and private hire drivers, section 61 permits the Council to suspend, revoke or refuse to renew an driver's licence on any of the following grounds

- a) that he has since the grant of the licence—
 - i) been convicted of an offence involving dishonesty, indecency or violence; or
 - ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or of Part II of the 1976 Act; or
- b) any other reasonable cause.

- 4.28. A decision to suspend or revoke a licence under section 61 will take effect 21 days after notification of the decision. The Council may, however, direct that a suspension or revocation shall have immediate effect, if this appears necessary in the interests of public safety.
- 4.29. Two distinct enforcement powers exist in respect of hackney carriage and private hire vehicles. Section 60 allows for the suspension, revocation or refusal to renew a vehicle's licence on any of the following grounds:
- a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - b) any offence under, or non-compliance with, the provisions of the 1847 Act or of Part II of the 1976 Act by the operator or driver; or
 - c) any other reasonable cause.
- 4.30. In addition, section 68 provides a power for the inspection and testing of vehicles and their taximeters, and the suspension of licences if they are found to be unsatisfactory. Under this power, suspensions remain in place until the vehicle has been re-inspected and found to be satisfactory, but the licence shall be deemed to have been revoked if such re-inspection has not been completed within a period of two months from the initial inspection.
- 4.31. In respect of private hire operators, section 62 permits the Council to suspend, revoke or refuse to renew an operator's licence on any of the following grounds
- a) any offence under, or non-compliance with, the provisions of this Part II of the 1976 Act;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
 - d) any other reasonable cause.
- 4.32. In accordance with the judgement of the Administrative Court in *R (on the application of Singh) v Cardiff City Council*², the Council may take action to suspend a licence under the above powers in order to ensure the remedy of a defect (for example, a fault on a vehicle affecting its roadworthiness or appearance), or as a sanction against a licence-holder following an incident of non-compliance. However, suspension must be regarded as a final outcome – it may not be used as an interim measure, for example to provide time for further investigations to take place. This represents a significant change from the way in which the power of suspension was previously used by a large number of councils.
- 4.33. On occasion, a licence-holder may be subject to an allegation against him, or may be charged with an offence, which if substantiated would cast doubts over their fitness and propriety to continue to hold such a licence. Such allegations may come to light via a number of channels – for example, via declaration by the applicable licence-holder, notification under the common law police disclosure scheme, by way of a complaint from a member of the public, or through observations made by an officer carrying out his duties.
- 4.34. Where allegations are of a particularly serious nature and give rise to a genuine and urgent concern for the protection of the public, the Council may give consideration to the immediate revocation of a licence. It is expected that such action will usually relate to drivers and as such be taken under section 61 of the 1976 Act – however, where allegations concern the suitability of a vehicle or operator, similar action may be taken under the respective powers. Such action will be reserved for

² [2012] EWHC 185 (Admin)

the most serious allegations only – for example, if a licence-holder is linked to a sexual or violent offence, an incident of hate crime, disqualification from driving, or is subject to a medical condition affecting their ability to drive safely, which calls in question whether the Council would be fulfilling its public protection duty by continuing to licence that individual pending the investigation into the allegations.

- 4.35. It is noted that receipt of an allegation or the fact that charges have been brought are not confirmation of an individual's misconduct in respect of that matter, and this policy does not seek to prejudice judicial or other processes which will be followed, nor should a revocation of a licence in line with this policy be taken as any kind of evidence or statement on the conduct of the individual concerned. Where feasible, all reasonable steps will be taken to allow the licence-holder to answer the allegations and put his case, prior to a decision being made. This will not necessarily mean at a formal hearing, but may include a telephone call, interview, email or letter. Where possible, the Council shall take further steps to try and establish the facts behind the allegation prior to determining whether to take action – however, it is noted that this may not always be possible, for instance, if a criminal investigation is ongoing. That said, the Council's primary responsibility in this legislative area is ensuring the safety of the public, and in the absence of a power of interim suspension, immediate revocation will be considered where deemed appropriate for the protection of the public.
- 4.36. The power to take such action shall be delegated to the Licensing Team Leader, Legal Governance Team Leaders, [the Group Manager for Legal Governance](#) and the [Assistant Director – Corporate and Contracted Services](#) ~~Solicitor to the Council~~, and may only be exercised following consultation with the chairman or vice-chairman of the Licensing Committee. A formal record of this process shall be kept, to be referred to in the event of an appeal to a magistrates' court against the revocation of the licence. Written notice of a decision to revoke a licence shall be given in accordance with legal requirements.
- 4.37. In the event of revocation of a licence in such circumstances, should the allegation subsequently be found to be baseless or any charges dismissed, the former licence-holder shall be permitted to make a new application to effectively reinstate his previous licence, without payment of an application fee or, at officer's discretion, being required to submit to the full range of checks that would ordinarily be required on a new application. The processing of any such application shall, insofar as is possible, be expedited, but will be considered fully against the statutory grounds for granting the licence. Any licence granted as a result of such application shall be valid for a duration not exceeding the period left on the previous licence at the time of revocation.
- 4.38. Generally, the powers discussed in the preceding paragraphs will be exercised in response to the most serious allegations or infractions. From time-to-time, complaints and allegations may be made to the licensing authority regarding misconduct by a licence-holder of a less serious type which would not by itself warrant severe action such as the revocation of a licence, but which may if regarded cumulatively give rise to concerns regarding the fitness or propriety of a person.
- 4.39. To offer an alternative mechanism to deal with such matters, the authority has developed a 'three strikes' policy for taxi and private hire licence-holders. Further details of how this scheme shall operate are given at Annex A.

Prosecution

- 4.40. A prosecution will only be brought where there is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to do so. In determining whether it is in the public interest, we will consider the Code for Crown Prosecutors guidance. The following list indicates some possible public interest factors in favour of a prosecution:

- There is, or has been a significant risk, or negative impact arising from a serious legal contravention or a number of lesser contraventions
- There has been some actual harm done to a third party, or that harm was reasonably foreseeable
- The attitude of the offender(s) is such that there is cause to believe that they knew that they were breaking the law or, if they did not, any reasonable person in their position should have known (this could take account of the past history of the case which may illustrate previous blatant or reckless disregard for the law)
- The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance (e.g. complainant in a noise nuisance case)
- The defendant has previous convictions or cautions which are relevant to the present offence
- There are grounds for believing that the offence is likely to be continued or repeated, for example by a history of recurring conduct
- The offence, although not serious in itself, is widespread in the area where it was committed
- An officer has been obstructed
- The cumulative effect of such breaches would be serious even if the breach itself was not
- A prosecution will have a significant deterrent effect.

Closure powers

- 4.41. The Anti-Social Behaviour Crime and Policing Act 2014 created new powers for police and local authorities to close premises which are causing significant nuisance or disorder. These powers replaced previous powers allowing the police to close alcohol-licensed premises under the Licensing Act 2003, consolidating them with various other statutory closure powers, and extending them to include other types of premises, both licensed and unlicensed. It is expected that this power will be reserved for the most serious incidents of nuisance and disorder, where it is not appropriate to use other powers.
- 4.42. As these powers are available to a range of Council officers, it is not considered appropriate for the [Licensing Authority](#) alone to create policy or guidance on the exercise of these powers which would bind the entire local authority. Licensing officers exercising such powers will have regard to any relevant guidance issued by the Government, or policy as may be compiled by the Council, and where applicable will liaise with the police and/or other relevant Council departments authorised to exercise closure powers prior to taking such action.
- 4.43. Where a closure order is made in respect of premises licensed for the supply of alcohol, provision of regulated entertainment or supply of late night refreshment, review proceedings under the Licensing Act 2003 will automatically be commenced. The [Licensing Authority](#) will deal with these proceedings in full accordance with the relevant statutory requirements, and will also have regard to earlier provisions of this policy regarding the carrying out of reviews under the 2003 Act.
- 4.44. Where a closure order is made in respect of premises licensed under another enactment, the licensing authority will typically consider whether it would be appropriate to take any action to revoke, restrict or refuse to renew the relevant licence, as may be the case, under the applicable licensing legislation, if this would ensure that the nuisance or disorder which led to the order being made would not continue nor reoccur in the longer term.

5. Authorisation and delegation of functions

- 5.1. Only officers authorised by the Council under delegated powers will be permitted to undertake investigations, inspections and visits, or other enforcement actions. Officers will only be authorised to deal with such investigations if they have the experience and specialist knowledge to undertake such action in accordance with established procedures. They will follow the relevant procedures and guidelines in carrying out their duties. Officers are issued with a personal identity card and evidence of their authorisation(s), which will be carried with them at all times and will be shown upon request.
- 5.2. Decisions about what enforcement action is appropriate are based upon professional judgement, legal guidance, statutory codes of practice and priorities set by the Council and/or Central Government, as well as the individual circumstances of a particular case.
- 5.3. Where appropriate, decisions about enforcement actions will involve consultation between or approval from:
 - Investigating officer(s)
 - Licensing Team Leader
 - [Assistant Director – Corporate and Contracted Services Solicitor to the Council](#)
 - Legal Services department

6. Notification and publication of enforcement actions

- 6.1. If we receive information (e.g. from a complainant) that may lead to enforcement action against an individual or a business we will notify that individual or business as soon as practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 6.2. During the progression of enforcement investigations/actions, parties involved will be kept informed of progress.
- 6.3. The Council will normally publicise details of any convictions, which would serve to draw attention to the need to comply with the law or deter others. Where appropriate, the media will be provided with factual information about charges that have been put before the Courts. In addition, details of convictions may be recorded on public registers where the Council is under an obligation to record such data, or included within statistical datasets returned to central government and other statutory agencies. Records of cautions administered by the authority may also be recorded on national databases, where they can be accessed by other enforcement agencies.

7. PACE interviews – Police and Criminal Evidence Act 1984

- 7.1. Questioning of persons will be carried out by way of a formal interview where there is suspected involvement in criminal offences. All formal interviews will be conducted with regard to the Act and associated Codes of Practice, with a formal record made of the content of the interview. This may comprise a written transcript, or audio or video recording.

8. Regulation of Investigatory Powers Act 2000

- 8.1. During an investigation into suspected non-compliance with legislation, the Council may need to undertake directed covert surveillance. This may include using sound or video monitoring. From time to time, we may also carry out enforcement operations utilising covert human intelligence sources.
- 8.2. In circumstances where it is necessary to use covert surveillance or sources, we will ensure that any statutory prerequisites under the Regulation of Investigatory Powers Act 2000 (RIPA) are complied with. In all cases where the use of covert surveillance or intelligence sources is proposed, such operations will only be undertaken with the express authorisation of a senior officer appointed by the Council for that purpose.
- 8.3. Requests for RIPA authorisation will be made in writing by the investigating officer. All such requests will be accompanied by a statement which details why the proposed conduct is appropriate and proportionate, how it is to be undertaken, who is likely to be involved and any impact that might result from the surveillance.
- 8.4. In deciding whether or not to authorise the proposed activity, the authorised officer will have regard to any policies and issues relevant to the investigation and any alternative methods of conducting the investigation. Surveillance authorisations will only last for as long as necessary and will be reviewed on a regular basis.
- 8.5. An authorisation for covert directed surveillance or use of human intelligence sources will not be valid unless an order has been made by a justice of the peace approving the grant of the authorisation.
- 8.6. The Council maintains a register of authorised covert surveillance operations under the Regulation of Investigatory Powers Act. Authorisations will not be made public whilst there is an ongoing investigation.

Annex A – Three strikes policy for taxi & private hire licences

1. The Council operates a policy for dealing with complaints, allegations and witnessed incidents of misconduct or infractions of a type which is not considered sufficiently serious in itself to justify a review of a person's suitability to hold a taxi or private hire driver, vehicle or operator licence, but which may give rise to such concerns if repeated or if regarded cumulatively with other such incidents.
2. Where complaints are substantiated for an applicable infraction, we may consider issuing a formal written warning, particularly if it would be disproportionate or inappropriate to take formal legal action for the infraction. Such warnings shall be issued only in situations where the investigating officer (or a reviewing officer) is satisfied that the infraction was committed, such as if they personally observed the infraction being committed, or if the results of the investigation into a complaint lead them to conclude on the balance of probabilities that the infraction was committed.
3. If a driver, operator or vehicle proprietor should receive three warnings for any combination of applicable infractions within a rolling period of two years, they shall be referred to the Council's Licensing Sub-Committee, for a review hearing into that individual's suitability to continue to hold the relevant licence.
4. In conducting such reviews, the Sub-Committee will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate to take. The Sub-Committee may also have regard to any previous warnings or Committee determinations in reaching a decision. The options available to the Sub-Committee, depending upon the severity of the infractions and any previous record of misconduct, will typically be: to take no further action; to warn the licensee as to their future conduct; to suspend the licence for a specified period, or until such time as certain conditions have been satisfied; or to revoke the licence.
5. The existence of this guidance does not bind the Council, its officers or members to reach a particular decision in every case, and if the circumstances of a particular case support doing so it shall be open to the Council to select a different course of action in respect of that case, such as prosecution for a single infraction of a type listed below, or issuing an informal warning which does not count towards the cumulative total.
6. The following lists of applicable infractions are non-exhaustive, and similar infractions may be regarded in the same way, even if not specifically referred to below.

Applicable infractions – operators

- Failing to declare convictions / cautions in a timely manner
- Failing to produce operator licence on request
- Failing to maintain operators records complying with licence conditions, or to produce on request
- Touting of hire car services
- Abusive/improper behaviour by operator or staff
- Use of unapproved door signs on vehicles
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application

Applicable infractions – drivers / vehicle proprietors

- Failing to declare convictions / cautions / motoring endorsements in a timely manner
- Failing to report accident
- Failing to produce vehicle/driver licence on request
- Failing to wear driver badge
- Failing to produce vehicle insurance certificate on request
- Failing to return licence plate / badge (following expiry, suspension or revocation)
- Using vehicle which is mechanically unsound / unsafe / excessively soiled
- Using vehicle at a time when it would not satisfy compliance standards
- Charging more than metered fare / use of incorrect tariff / previously agreed fare
- Non-display of fare card
- Prolonging journeys
- Tampering with taximeter seal, altering taximeter with intent to mislead
- Meter, radio or other equipment installed in dangerous position
- Non-display / incorrect display of licence plates
- Non-display of roof sign / door signs
- Display of roof/taxi sign on vehicle other than a hackney carriage
- Failure to carry first aid kit / fire extinguisher in vehicle
- Abusive/improper behaviour
- Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct
- Driver improperly attired
- Touting
- Misuse of taxi ranks (obstructing or hindering other driver, preventing hiring)
- Hackney carriage driver refusing fare from taxi rank
- Private hire vehicle stopping on taxi rank
- Leaving hackney carriage unattended in public place
- Carrying excessive number of passengers
- Failing to deliver lost property to police station
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application

Police infractions

In addition to work undertaken by Dacorum council officers, Hertfordshire Constabulary officers may issue warnings which will have the same effect under this policy, for any of the above infractions, or for the following general violations:

- Minor offences under Road Traffic Acts in respect of a hackney carriage or private hire vehicle
- Minor offences under the Road Vehicles (Construction and Use) Regulations in respect of a hackney carriage or private hire vehicle
- Minor public order offences in the course of use of a hackney carriage or private hire vehicle

In all cases, issue of a warning under this scheme by a police officer shall represent an alternative disposal option, and police shall retain the right to instead utilise any other disposal method (e.g. fixed penalty notice or legal proceedings) for any applicable offence where deemed appropriate.

Excluded offences

The following offences are deemed sufficiently serious that they will be excluded from this scheme, with prosecution [and/or](#) Committee referral likely to result from a single incident:

- Plying for hire without HCV licence (or driving or standing for hire)
- Using an unlicensed vehicle for private hire
- Driving a licensed vehicle without a valid HC/PH driver's licence
- Employing an unlicensed driver to drive a licensed vehicle
- Operating unlicensed vehicles, or operating vehicles without an operator's licence
- Refusing to accept booking to carry disabled passenger, or passenger with assistance dog

N.B. Licences issued by any other council do not permit any person to drive, use or operate any vehicle as a hackney carriage or private hire vehicle within Dacorum, and persons doing so are 'unlicensed' in the above.

DRAFT

Annex B – Contacting us

Complaints about businesses or persons providing licensable activities

If you wish to make a complaint or provide feedback about alleged unlicensed activity or breach of conditions of a licence then you can contact the Licensing Section:

- Via our website: www.dacorum.gov.uk/licensing
- By email, to: licensing@dacorum.gov.uk
- By post, to:
**Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
Herts
HP1 1DN**

If you make a complaint outside of normal office hours we will respond when the office re-opens.

Complaints made to the Licensing Section will be investigated by a Licensing Enforcement Officer who will also inform you of the progress and outcome of your complaint. For many complaints we may need you to make a formal written statement (which we will assist with if required), and if we take legal action we may ask you to attend court to give evidence.

Complaints about the Licensing Section

We understand that, from time to time, persons may not be completely satisfied with the service that they receive from the Licensing Section, and we would encourage any person who feels this way to let us know, so that we can develop and improve our service. We will ensure that complaints about our service are investigated fairly and thoroughly using the Council's Complaints Procedure (details of which can be found on the Council's website at www.dacorum.gov.uk).

Complaints or comments about the Licensing Section can be made:

- Via our website: www.dacorum.gov.uk/CustomerComplaints/
- By phone, to: **01442 228000 and at the prompt ask for Complaints**
- By post, to:
**Complaints
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
Herts
HP1 1DN**

In cases where disputes still cannot be resolved, we will ensure that any rights of complaint or appeal against the Council's actions are explained with an indication of the likely time-scales involved.

To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk

DRAFT



AGENDA ITEM:

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	21 September 2021
PART:	I
If Part II, reason:	

Title of report:	Review of Gambling Act Statement of Principles
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To report the results of consultation on draft revisions to the Council’s Gambling Act 2005 Statement of Principles
Recommendations	1. That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2022 – 2025, and refer it to Full Council for approval and adoption.
Corporate objectives:	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Building strong and vibrant communities • Ensuring economic growth and prosperity
Implications:	<p><u>Equalities Implications</u> A Community Impact Assessment was produced and agreed for this policy in 2018. This has been reviewed and the review of the policy has not impacted on this.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u> None identified.</p>
Consultees:	The draft policy was published on the Council’s website and comments invited for a four week period in July and August. Notifications were sent directly to responsible authorities, local

	<p>community groups, licensed trade representative bodies, and representatives of licence-holders and parish and town councils. Comments were also invited via messages on the Council's social media accounts.</p> <p>Four responses were received, which are reproduced at Annex A.</p>
Background papers:	Draft Statement of Principles 2022-2025, and Local Area Profile, attached as Appendix 1 and Appendix 2 respectively
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005 is one of the major regulatory regimes under which the Council has statutory responsibilities.
- 1.2. The Gambling Act requires licensing authorities (district councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Act, the principles that they will follow, and their expectations of licensees. This policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 1.3. Dacorum last reviewed its Gambling Policy in 2018. The policy is due for review and replacement by January 2022, in order to satisfy the statutory requirements in the Act.

2. CONSULTATION RESULTS

- 2.1. At the Committee's meeting on 29 June 2021, consultation was approved on draft versions of the policy documents. The report considered at that meeting detailed the changes made to the policy.
- 2.2. Consultation took place over a four week period between July and August 2021. Notification was sent by email to: the responsible authorities, town and parish councils, local community groups, licence-holders, representative trade bodies, licensing-focussed legal firms, and voluntary sector organisations that provide gambling support.
- 2.3. The consultation was also publicised via the Council's website.
- 2.4. A total of four written responses were received to the consultation, all of which are reproduced at Annex A. The responses break down as follows:
 - One from the Council's Planning Enforcement team

- One from the Council's Planning team
- One from a gambling trade representative body
- One from a gambling support charity

2.5. A small number of further changes have been made to the draft policy documents after considering the consultation responses, and these are detailed within Annex A, after each response.

2.6. The final decision to adopt or revise a licensing policy under this Act must be made by Full Council. The Committee is now asked to resolve to recommend the adoption of the revised policy, as revised following consultation, by Full Council.

3. Local Area Profile

3.1. The Gambling Commission in their statutory guidance for licensing authorities advise it is useful for councils to have their own local area profile, this assists applicants and other parties to understand the make-up of the council's area.

3.2. Whilst this is not a requirement on local authorities, the Council maintains a local area profile. This has been reviewed and updated with current figures for licensed premises. It is attached to this report as Appendix 2 for information.

4. RECOMMENDATION

4.1. That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2022 – 2025, and refer it to Full Council for approval and adoption.

Annex A – Consultation responses

Janet Marron

Betting & Gaming, Excise Processing Teams

Good Morning,

Thank you for sending us details of your draft gambling policy.

As one of your named Responsible Authorities , I thought I should let you know our new email address is NRUBettingGaming@hmrc.gov.uk

Kind Regards

Janet (Marron)
Excise Processing Team
HM Revenue & Customs
BX9 1GL
United Kingdom

Officer comments

The suggested change has been incorporated.

Olivia Stapleford
Assistant Team Leader – Planning Enforcement

Thanks for the email regarding your Gambling Act consultation. Find below my comments which relate to grammatical/spelling errors in the updated text:

Para 3.2 ('unless permitted' is written twice):

a card game taking place in premises) or virtual events. Persons providing opportunities for gambling must hold appropriate licences or permissions, authorising them to do so.

~~3.1.3.2. The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted unless permitted by a relevant Act, therefore, the Council strongly recommends advice is sought prior to commencing any activity which may constitute gambling.~~

Para 4.9 (premises spelt wrong):

~~4.8.4.9. In addition to the measures suggested in 4.8, all premises holding licences (except those must offer a self-exclusion scheme to customers requesting these.~~

Para 11.8 ('there' requires a capital T and does 'category' need a capital C or not – conflicting in this sentence):

~~11.6.11.8. Only 20% of machines within Adult Gaming Centres can be Category B. there is the number, or percentage of category C or D machines.~~

Many thanks,

Olivia Stapleford
Assistant Team Leader – Planning Enforcement
Specialist Services
Dacorum Borough Council

Officer comments

The suggested corrections have been incorporated.

Philip Stanley
Team Leader - Specialist Services (Planning)

Hi Nathan,

This e-mail is to confirm receipt and that Planning wishes to make no comments.
We note and appreciate the reference to Planning in para 5.5.

Kind regards,

Philip.

Philip Stanley MRTPI
Team Leader - Specialist Services (Planning)
Dacorum Borough Council.

Officer comments

No changes required

Dear Nathan,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best regards,
Natalie

Natalie Simpson
Company Secretary

GambleAware®

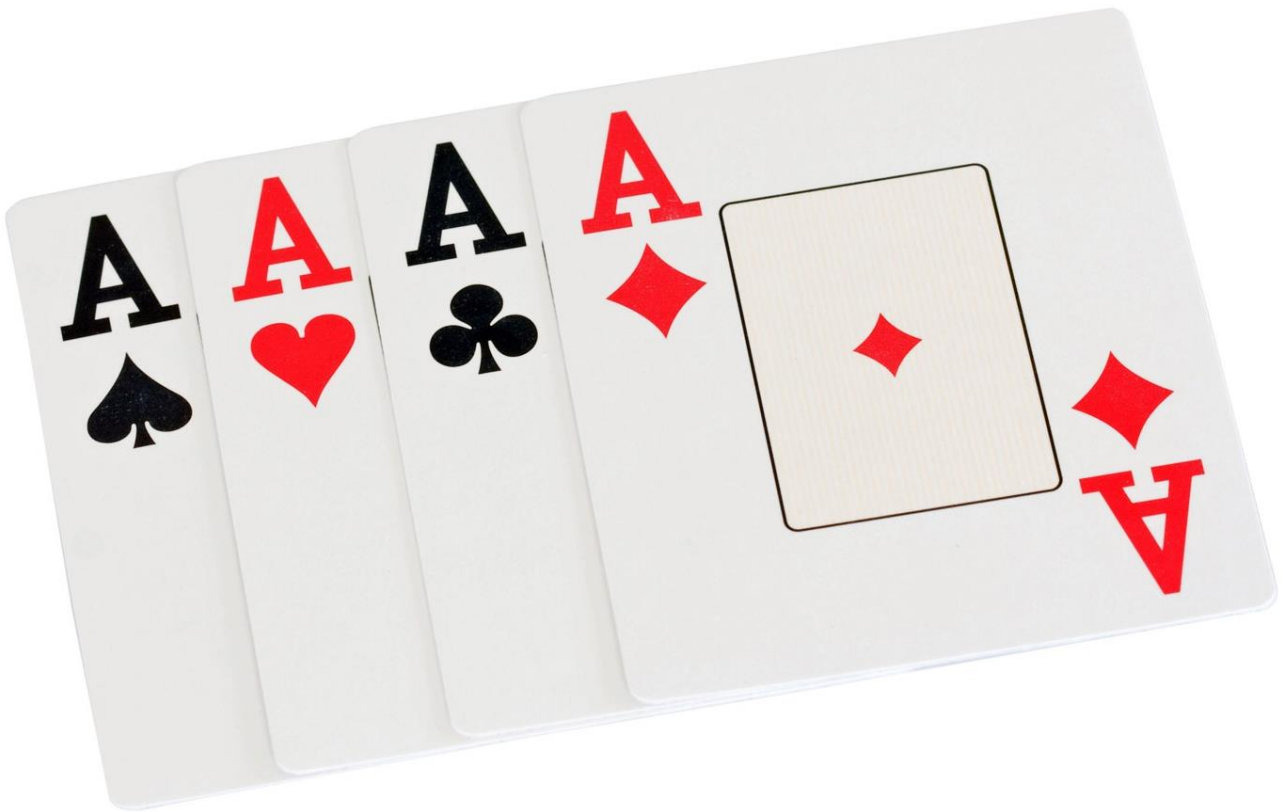
Officer comments

No changes required for policy, but information to be provided on the Council's Website



Statement of Principles under the Gambling Act 2005

2022 – 2025



Date Published	***** (tbc, at least 4 weeks before due to take effect)
Date effective from	31 January 2022
Version no.	6.0
Date of expiry	30 January 2025

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

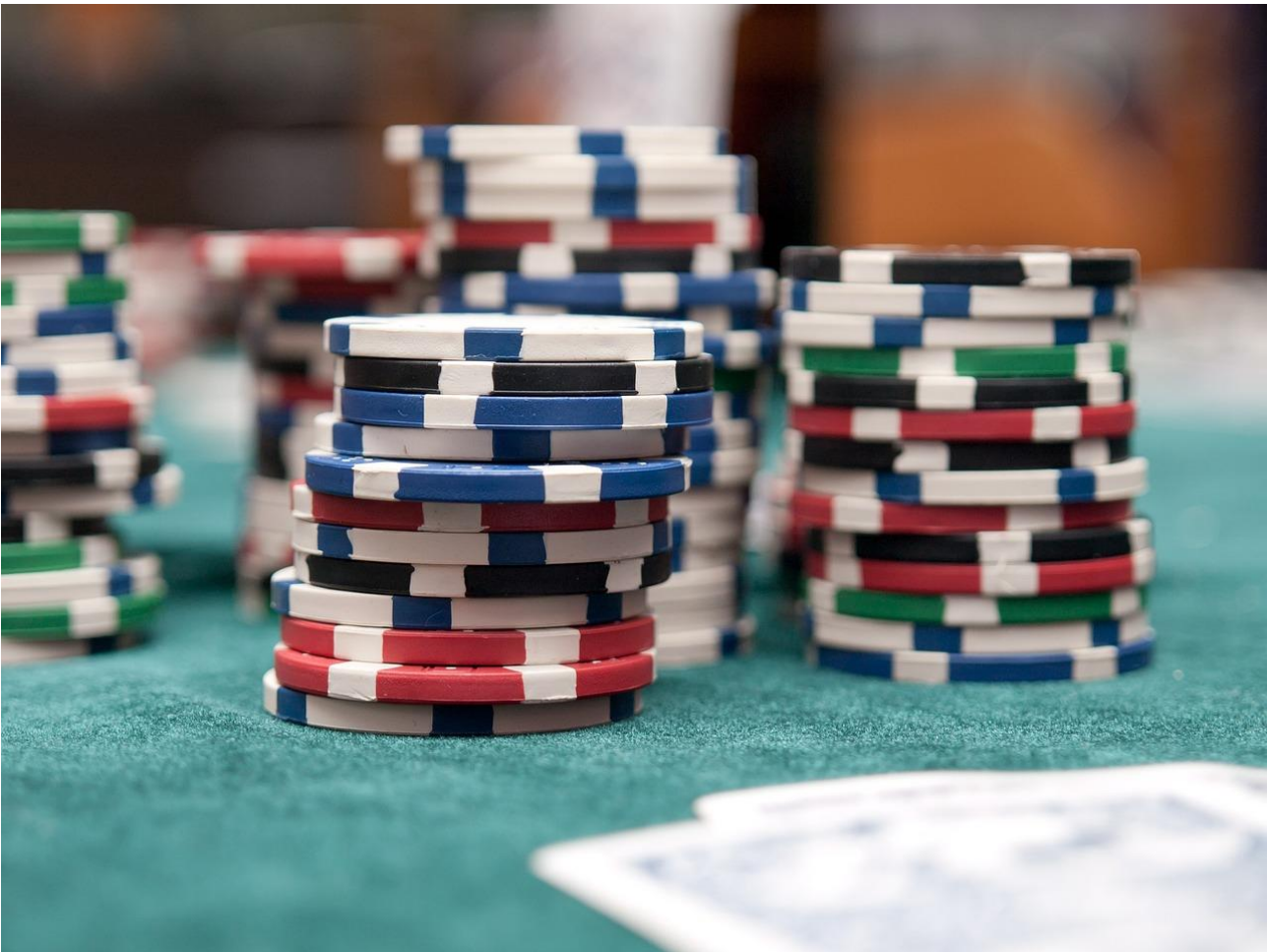
Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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Introductory information



1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.



- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, including two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations. We know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to deliver these aims.
- 1.4. Dacorum has a population of 144,800¹, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website².
- 1.5. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area.

¹ Office of National Statistics, Census 2011 (published July 2012)

² www.dacorum.gov.uk/home/community-living/statistics-about-dacorum

2. About this document

- 2.1. This document is Dacorum Borough Council’s statement of principles in respect of the regulation of non-remote gambling activities, and publication of it fulfils the authority’s statutory obligation under section 349 of the Gambling Act 2005 (“the Act”). It sets out the policies and principles that we will follow when exercising our powers under that Act, particularly in respect of considering applications for licences and other types of authorisation. It also gives details of our expectations of applicants and licence-holders. This statement must be published on at least one occasion prior to every successive three-year period. The statement must also be kept under review during its validity period, and revised if required, with any revisions published prior to taking effect.
- 2.2. This statement of principles was adopted by the Council on the**, and was published via our website, at www.dacorum.gov.uk/licensing. The statement will have effect from **31 January 2022 to 30 January 2025**. Any applications in progress on the first date will be considered under the previous version of the statement of principles.
- 2.3. We are required to exercise our licensing functions under the Act with regard to the licensing objectives, which are discussed in greater detail in later chapters. We must also have regard to this statement of principles, and to the Guidance for Licensing Authorities (GLA) and any relevant codes of practice issued by the Gambling Commission.
- 2.4. The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Commission’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.
- 2.5. This statement reflects the wide range of competing, and sometimes conflicting, considerations which we must take into account when exercising our powers, and aims to balance these insofar as is possible.

Interpretation

- 2.6. Within this statement:
 - a) “the Act” means the Gambling Act 2005,
 - b) “licensing authority” means Dacorum Borough Council,
 - c) “the Commission” means the Gambling Commission, and
 - d) “Guidance” means the guidance to licensing authorities published by the Gambling Commission under section 25 of the Act³.

Consultation

- 2.7. In producing this statement of principles, the licensing authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses received during our consultation upon the proposed statement.
- 2.8. Section 349 of the Act requires that, when preparing a statement of principles, the following parties be consulted by licensing authorities:
 - The chief officer of police for the licensing authority’s area

³<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

- 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.

2.9. We carried out consultation on a draft version of this statement of principles between and. The people and organisations we sought feedback from included:

- the responsible authorities, including Hertfordshire Constabulary,
- individuals and organisations who hold gambling premises licences, or multiple gaming machine permits, issued by this authority,
- representative bodies within the gambling and leisure industry,
- borough and county councillors,
- town and parish councils,
- the Members of Parliament for Hemel Hempstead and South West Hertfordshire,
- residents, businesses, and voluntary groups (via our website).

2.10. Views expressed in response to our consultation were considered prior to the determination of the final version of this statement.

Part A: General principles



3. General principles

- 3.1. Under the Act, gambling is defined as gaming (participating in a game of chance with the possibility of winning a prize if successful), betting (wagering on a specific outcome of an event) or participating in a lottery. Gambling can be based on the outcome of real world events (such as sporting fixtures, or a card game taking place in premises) or virtual events. Persons providing opportunities or facilities for gambling must hold appropriate licences or permissions, authorising them to do so.
- 3.2. The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by a relevant Act, therefore, the Council strongly recommends that advice is sought prior to commencing any activity which may constitute gambling.
- 3.3. The licences issued under the Act to authorise gambling activities include operating licences, personal licences, and premises licences, as well as a range of permits, notices and registrations for lower-value gambling activities. While operating and personal licences remain the preserve of the Gambling Commission, licensing authorities (which are district councils or unitary authorities) issue premises licences, permits, notices and small society lottery registrations.
- 3.4. In carrying out their functions under the Act, particularly with regard to premises licences and temporary use notices, licensing authorities must aim to permit the use of premises for gambling (as set out in S.153 of the Act) so long as 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 principles.
- 3.5. The likely demand for gambling facilities is not a criterion that a licensing authority may consider when exercising its powers, and will not be taken into account when the authority determines an application. However, issues relating to the use of nearby facilities by children or vulnerable persons may be relevant, depending on the circumstances of a particular case. The Guidance cites as an example certain types of gambling located very close to a school or a centre for gambling addicts, which may lead the authority to consider whether additional conditions would be necessary.⁴
- 3.6. The licensing authority may not reject an application nor revoke a licence in response to representations concerning general moral or ethical objections to gambling, and representations which solely relate to such issues may be disregarded in determining applications. The provision of gambling activities is expressly permitted under UK legislation, and the licensing authority has a duty to act fairly and in accordance with the legislation.
- 3.7. Every matter considered by the Council, in its role as a licensing authority, will be considered on its own merits and in accordance with the statutory requirements of the Act. Nothing in this statement of principles shall:
 - prevent any person from making an application for authorisation or giving a notice under the Act;
 - prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
 - prevent any person from making an application for the review of a premises licence; or
 - restrict or fetter the Council's discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.

⁴ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 6.38

- 3.8. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership's 'Better Business For All' charter⁵, and we will follow the provisions of the charter when we exercise our regulatory powers in respect of licensable activities.

⁵ <http://www.hertfordshirelep.com/Better-Regulation.aspx>

4. Licensing objectives

- 4.1. 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 to:
- Prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensure that gambling is conducted in a fair and open way
 - Protect children and other vulnerable persons from being harmed or exploited by gambling
- 4.2. The objectives do not include considerations in relation to health and safety or public nuisance, and the authority will not attempt to control such issues using gambling legislation.
- 4.3. Licensing authorities must exercise their powers in a way that is reasonably consistent with the licensing objectives. The authority has considered each of the individual objectives as set out below.

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

- 4.4. The licensing authority notes that the Gambling Commission will take a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area is known to have high levels of crime the authority will consider carefully whether it is suitable for gambling premises to be located there and whether further conditions, such as the provision of door supervisors, may be appropriate.
- 4.5. The licensing authority will distinguish between disorder and nuisance⁶, and will consider factors such as whether 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

- 4.6. The Licensing Authority has noted the Gambling Commission's statement⁷ that it does not expect licensing authorities to deal frequently with ensuring that gambling is conducted in a fair and open way, as this will primarily be addressed via operating and personal licences. There is however, more of a role with regard to track premises, as outlined in the 'Betting (Tracks) Premises Licence' section below.

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

- 4.7. The licensing authority has noted the Gambling Commission's guidance that this objective means preventing children from taking part in gambling (as well as restricting 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. Any concerns arising from advertising of gambling should be addressed to the Advertising Standards Authority (ASA) as the appropriate regulator for such matters.
- 4.8. The Licensing Authority will expect applicants to take appropriate measures to promote this licensing objective, which may include proof of age schemes, supervision of entrances and gaming machine

⁶ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 5.5

⁷ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 5.11

areas, physical separation of areas, , and provision of information leaflets / helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, but is merely indicative of example measures.

- 4.9. In addition to the measures suggested in 4.8, all premises holding licences (except those at a track), must offer a self-exclusion scheme to customers requesting these.
- 4.10. While the use of CCTV to monitor premises is generally encouraged (so long as such use is in accordance with the requirements and principles of the Data Protection Act 1998 and the Surveillance Camera Code of Practice⁸), it is unlikely to be sufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme). At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the licensing authority will expect that an appropriate number of staff will be present throughout opening hours who will ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.
- 4.11. The licensing authority also notes the Codes of Practice that the Gambling Commission has issued in respect of this licensing objective, in relation to specific categories of premises.
- 4.12. As regards the term “vulnerable persons” it is noted that the Gambling Commission has not sought to offer a definition but states that it will “for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”⁹ This licensing authority will consider the promotion of this licensing objective on a case by case basis. Should a practical definition emerge in future then this statement of principles will be updated, by way of a revision.

⁸ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice> (June 2013)

⁹ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 5.17

5. Licensing authority functions

5.1. Licensing authorities have statutory responsibilities under the Act for:

- the licensing of premises where gambling activities are to take place, through the issue of premises licences;
- the preliminary approval of premises for proposed gambling activities, through the issue of provisional statements;
- the regulation of members' clubs, commercial clubs and miners' welfare institutes who wish to undertake certain gaming activities, through club gaming permits and/or club machine permits;
- the receipt of notifications and the issue of permits for the provision of gaming machines, at premises licensed to supply alcohol for consumption on the premises under the Licensing Act 2003;
- the regulation of unlicensed family entertainment centre premises providing low-value gaming machines through the issue of permits;
- the regulation of non-exempt prize gaming through the issue of permits;
- the receipt and endorsement of temporary use notices, for infrequent gaming activities;
- the receipt of occasional use notices, for infrequent betting activities;
- the registration of non-commercial societies for the provision of small society lotteries;
- the exchange of information with the Gambling Commission regarding details of licences, permits and notices and enforcement issues (see section below on 'exchange of information'); and
- the maintenance of registers of the applications, licences, permits and notices received and issued by the authority.

5.2. The licensing authority has delegated its functions to the Licensing, Health & Safety and Enforcement Committee, the Licensing of Alcohol and Gambling Sub-Committee and to officers in accordance with the requirements of the Act, as summarised in the table at Annex A.

5.3. The licensing authority will generally concern itself only with matters relating to premises licences, and the permits, notices, notifications and registrations outlined above, concerning the use of premises in Dacorum for the provision of gambling activities. Any issues relating to operating and personal licences will be referred to the Gambling Commission, who are the lead regulatory body for such matters.

5.4. Similarly, the licensing authority will not involve itself in any matters relating to the regulation of remote gambling (for example, telephone betting or internet casino gaming), responsibility for which lies with the Gambling Commission.

5.5. Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. In particular, this authority will not consider whether a premises that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This authority will though, listen to, and consider carefully, any concerns about proposed conditions that would be contrary to pre-existing planning restrictions or operating licence conditions, should such a situation arise.

6. Responsible authorities and interested parties

6.1. Responsible authorities and interested parties can make representations about premises licence applications, or apply for a review of an existing licence. They include statutory bodies with professional expertise relevant to the regulation of gambling activities, and local residents and businesses that may be affected by the provision of non-remote gambling activities.

Responsible authorities

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

6.3. In accordance with the above principles, this authority designates the Hertfordshire Safeguarding Children's Board for this purpose.

6.4. Other responsible authorities include the licensing authority itself (and any other licensing authority in whose area a premises is partly situated, on a per application basis), the Gambling Commission, Hertfordshire Constabulary, HM Revenues & Customs, Hertfordshire Fire & Rescue Service, and Dacorum Borough Council's Planning and Regulatory Services groups (*N.B. Dacorum's Licensing team sits within the Legal Governance group, and is therefore separate from the Regulatory Services group which exercises many of the Council's safety and environmental protection functions*). Contact details for these responsible authorities are given in Annex B.

6.5. Where a premises licence application is made in respect of a vessel, additional responsible authorities will be consulted in respect of that application. These include navigation authorities for the waterway(s) where the vessel will be while it hosts gambling activities, the Environment Agency, the Canal and Rivers Trust, and the Secretary of State. Waterways running through Dacorum include the Grand Union Canal, and the Rivers Gade and Bulbourne, although the latter two are unnavigable.

Interested parties

6.6. Interested parties are defined in the Act as:

- a person who lives sufficiently close to premises that are the subject of either an application for a licence, or an existing licence, to be likely to be affected by the proposed or authorised gambling activities there,
- a person who has business interests that might be affected by the authorised gambling activities at premises that are the subject of either an application for a licence, or an existing licence, or
- a person who represents other persons in either of these categories.

6.7. 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. In Dacorum, each case will be decided upon its merits, and the licensing authority will not apply a rigid rule to its decisions on this matter. It will consider the examples of relevant factors provided in the Gambling Commission's guidance to licensing authorities.

6.8. The Commission suggest that when considering what 'sufficiently close to the premises' means the

following factors may be relevant:¹⁰

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

6.9. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for:

- a) a private resident
- b) a residential school for children, and
- c) a residential hostel for vulnerable adults.

6.10. When determining whether a person has business interests that may be affected the Commission suggest that factors that are likely to be relevant are:¹¹

- the size of the premises;
- the ‘catchment’ area of the premises (i.e. how far people will travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

6.11. The authority will look to give the term "business interests" a wide interpretation, and will generally consider organisations such as community groups, charities, faith groups, educational institutions and medical practices to fall within this meaning. Trade associations, trade unions, and residents and tenants’ associations will be viewed as interested parties if they represent members who can be classed as interested parties in their own right – i.e. who live sufficiently close to the premises to be likely to be affected by the activities being applied for.

6.12. Persons whose business interests are within the same gambling sector as the subject of their representation (or review application) will be expected to satisfy the licensing authority that their representation (or application) is not made with the intent of limiting competition to their own business, particularly given that the Act does not replicate the previous requirement for satisfaction of a ‘demand test’. The licensing authority will disregard representations that are thought to be vexatious, frivolous, or which will not influence the determination of the application.

6.13. Interested parties can be persons who are democratically elected, such as borough or county councillors or MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor or MP represents the ward or constituency likely to be affected by the application in question. Town and parish councillors in an area like to be affected by the application in question will also be considered to be interested parties in their own right. Other than these however, this authority will require evidence that a person or body has been nominated to represent someone who is an interested party in their own right. A letter from such a person, requesting representation by the nominee, will generally be regarded as sufficient.

6.14. Dacorum borough councillors who have agreed to represent a party to an application at a hearing, or who have made a representation in their own right, shall not sit on any Sub-Committee considering that application.

¹⁰ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 8.12

¹¹ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 8.15

7. Representations and reviews

- 7.1. Where a right exists for an interested party or a responsible authority to make representations in respect of an application, any representation must be made in writing (whether by letter, fax or email), and must contain the name and address of the party making the representation, together with any relevant information to assist the licensing authority in determining their status. The grounds upon which the representation is made should also be clearly set out.
- 7.2. Our preferred means of receiving representations is by email, to licensing@dacorum.gov.uk. However, we will continue to accept any valid written representation submitted by alternate means.
- 7.3. Applications for the review of a premises licence under the Act may only be made in the prescribed form, and following the procedure set out in the Act. Licensing officers are able to offer further advice on this procedure to any party considering making an application for review of a licence.
- 7.4. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. Any grounds cited in representations or review applications should therefore be supported by evidentiary material, in order for the licensing authority to take an action of a type referred to above. Speculative grounds which cannot be substantiated have previously been found by the courts in other licensing schemes to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

8. Exchange of information

- 8.1. Licensing authorities are required to state the principles which will be applied by the authority in exercising functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2. The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance to licensing authorities issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.3. Should any protocols be established as regards information exchange with other bodies then details will be made available via our website, and incorporated into a future revision of this document.
- 8.4. Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will usually be redacted.

9. Enforcement

- 9.1. Licensing authorities are required to state the principles to be applied by the authority in exercising enforcement functions under the Act, both in terms of the inspection of premises and in instituting criminal proceedings in respect of specified offences.
- 9.2. The Licensing Authority will be led by the Guidance¹² in respect of the inspection of premises and the powers to institute criminal proceedings, and will endeavour to ensure that enforcement and compliance actions are:
 - **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;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 9.3. The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken. Where the Licensing Authority considers a multi-agency approach may be beneficial, it will contact the Commission in the first instance to agree if this is appropriate, this also includes any planned test purchase operations, to ensure that these do not conflict with any other ongoing investigations.
- 9.4. The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the premises licences and the other permissions that it issues. The Gambling Commission will be the lead enforcement body for operating and personal licences. All issues relating to forms of remote gambling, as well as issues relating to 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.
- 9.5. The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.
- 9.6. In addition to this statement of principles, the Licensing Authority also maintains a licensing enforcement policy, setting out further details of our methodologies. This can be viewed via our website, at www.dacorum.gov.uk/licensing, or a copy obtained by contacting us using the details given in Annex B. The Licensing Authority shall also have regard to any corporate enforcement policy published by Dacorum Borough Council.
- 9.7. A number of gambling operators have formed primary authority partnerships¹³, under which they receive ‘assured advice’ from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

¹² Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, part 36

¹³ See <https://primary-authority.beis.gov.uk/par> for a full list

10. Gaming machines

- 10.1. Within both the gambling legislation and this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- 10.2. Gaming machines are categorised according to the nature of their operation, the maximum charge to use, and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that holders of each type of premises licence or permit are entitled to make available for use. Machines can vary in size and include devices such as tablets which have been developed in recent years to minimise the space required to site machines, however, these should be sited to allow sufficient room for players to use simultaneously.
- 10.3. As both machine entitlements and the values applicable to each category are prescribed in secondary legislation, and may be changed at relatively short notice, it is not considered appropriate to include this information within this document. However, a separate document containing the current values and machine entitlements is available via our website, at www.dacorum.gov.uk/licensing
- 10.4. Persons under the age of 18 years are not permitted to use any gaming machine other than a category D machine, which are generally low-value machines located in family entertainment centres. Holders of licences and permits which allow the provision of higher-category machines in premises where children are present should take appropriate steps either to locate those machines in a segregated area with age-restricted access, or to locate the machines so that their usage can be monitored at all times – the appropriate action is dependent upon the nature of the premises and the authorisation held.
- 10.5. Some types of licence, permit or entitlement limit the number of gaming machines which may be made available for use in the authorised premises. The licensing authority notes the Commission's guidance on the meaning of 'available for use'¹⁴, including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on. Where an operator or permit-holder wishes to provide a greater number of machines on their premises than may be made available for use under the licence or permit, the onus will be on that operator or permit-holder to demonstrate to the licensing authority that they have a sufficiently robust mechanism in place to prevent a breach of the licence or permit.
- 10.6. All gaming machines which are made available for use in premises must adhere to the appropriate technical standards set by the Gambling Commission, including bearing the correct categorisation markings and any other signage required.
- 10.7. Some machines can operate at more than one category, so long as these are set at a lower category, they will not be considered to contribute to the number of machines made available of the higher categories.
- 10.8. Multi-position machines, will only count as one machine if multiple players cannot play a machine simultaneously without any physical hindrance.
- 10.9. Electronic Bingo Terminals must not allow players to play bingo and other gaming machine activity instantaneously

¹⁴ Gambling Commission Guidance to Licensing Authorities, Last updated: 13 May 2021, para 16.17

10.10. A number of premises which are not entitled to provide gaming machines (including fast-food outlets, taxi booking offices, shopping centres and transport hubs) provide other types of machines, which operate differently to gaming machines. These may include skill machines (where the likelihood of winning a prize is dependent solely on the player's skill or knowledge, and not on chance), and non-prize machines (where players play for a high-score or for amusement only, and no prize can be won as a result). Such machines fall outside of the scope of the 2005 Act, and are not subject to control by the licensing authority. However the authority will investigate complaints where it is believed that a machine purporting to be a skill game or a non-prize machine is actually a (licensable) gaming machine. In determining whether such complaints are accurate we may seek advice from machine suppliers, manufacturers, and from the Gambling Commission.

Part B: Premises licences



11. Premises licences

Applications

11.1. An application for a premises licence may only be made by persons (which includes companies or partnerships):

- who are aged 18 or over **and**
- who have the right to occupy the premises **and**
- who have an operating licence which allows them to carry out the proposed activity. Details of operators that [hold an operating licence](#) are available on the Commission's website **or**
- who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.

Categories of premises licence

11.2. The Act makes provision for licensing authorities to issue a number of different categories of premises licence, each of which authorises an operator to provide a different combination of gambling activities at that premises. The licence categories are:

- Adult gaming centre premises licence
- Betting (track) premises licence
- Betting (other) premises licence
- Bingo premises licence
- Family entertainment centre premises licence
- Regional casino premises licence
- Large casino premises licence
- Small casino premises licence
- Converted casino premises licence

11.3. The Gambling Commissions Local Conditions and Codes of Practice states that 'with very few low risk exceptions, non-remote gambling should be confined to dedicated gambling premises', the Council therefore requires in line with this requirement, that any premises to be used for gambling is clearly defined in the associated plan. An example of an unacceptable application would be for the distribution of gaming machines in open areas of a shopping centre. The Council will ensure it meets its responsibilities to prevent ambient gambling.

11.4. All applications (including variations to existing licences) must be submitted with accompanying plans which comply with the requirements of current regulations of the Act. The premises plan is only one means by which the licensing authority will seek reassurance that the requirements will be met. Conditions may be attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and risks, and the layout of a particular premises, will determine what is most appropriate for an individual application.

11.5. As described in a later section, only certain licensing authorities may issue casino premises licences, and Dacorum is not among this group. Therefore, we can only issue the first five categories of premises licence for premises within Dacorum.

11.6. The following sections detail the specific provisions to be applied by the licensing authority to each of the five permitted categories.

Adult gaming centre premises licences

- 11.7. 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 premises, and that schemes to protect vulnerable persons are operated.
- 11.8. Only 20% of machines within Adult Gaming Centres can be Category B. There is no limit on the number, or percentage of Category C or D machines.
- 11.9. Further licence conditions may also be considered in respect of the following matters – however, it must be noted that this list is not exhaustive:
- Proof of age schemes
 - CCTV
 - Door Supervisors
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

Betting (other) premises licences

- 11.10. The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 FOBT machines.
- 11.11. No further limits may be imposed by the licensing authority on gaming machine numbers in betting (other) premises, beyond the standard prescribed limit applying to all betting (other) premises licences.
- 11.12. There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the licensing authority may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.
- 11.13. The licensing authority will, as per the Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of betting terminals by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature and circumstances of betting terminals an operator wants to offer.
- 11.14. Further licence conditions may also be considered in respect of the following matters – however, it must be noted that this list is not exhaustive:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage

- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

Track premises licences

- 11.15. S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The mention of 'other sporting event' should be interpreted widely, including for example football, cricket, or golf.
- 11.16. The Licensing Authority notes that tracks may be subject to one or more premises licences, provided that each licence relates to a discrete area of the track. As per the Gambling Commission's guidance, this licensing authority will consider the impact upon the third licensing objective (protection of children and vulnerable persons), and the need to ensure that entrances to each licensed area are distinct and that children are excluded from gambling areas which they are not permitted to enter.
- 11.17. The Authority will expect the premises licence applicant to adopt 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.
- 11.18. Due to an anomaly in the Act, persons under the age of 18 years must not be employed at track premises for any purpose, whether connected to gambling or not.
- 11.19. The entitlement to make up to four gaming machines available for use at the track premises may only be utilised if the holder of the premises licence also holds a pool betting operating licence. In situations where this is the case and it is proposed to make gaming machines available for use, any gaming machines (other than category D machines) should be located in areas from which children are excluded. If the track premises is licensed for the sale of alcohol, a further two gaming machines may be made available by way of the automatic entitlement for alcohol-licensed premises, upon payment of the appropriate notification fee.¹⁵
- 11.20. Betting terminals may also be made available for use at track premises, and this licensing authority proposes to apply the same principles to track premises as set out in the betting (other) premises licence section, above.
- 11.21. A condition to track premises licences is that the track operator is to ensure that the terms for placing bets are prominently displayed in or near each betting area, or that other measures are taken to ensure that they are made available to the public.
- 11.22. Applicants are required 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.
- 11.23. Some tracks may be situated on open land where the perimeter is not defined by an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, premises licence holders may erect temporary structures with restricted access. In rare cases where the site

¹⁵ Gambling Commission Guidance to Licensing Authorities, Last updated: 13 May 2021, para 20.34

perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases, those responsible for the provision of betting facilities may prefer to authorise those facilities by way of occasional use notices, which do not require the definition of a perimeter, rather than a premises licence.

11.24. It is noted that it is not always possible 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. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main area(s) where betting might take place.

11.25. Pool betting is covered in greater detail in the Commissions guidance, but can only be used for horse and dog racing.

Bingo premises licences

11.26. The licensing authority will need be satisfied that it is possible for bingo to be played in any premises for which a bingo premises licence is to be issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence and/or apply for new licences, as discussed in the division of premises and appropriate licensing environment section, below.

11.27. Where children are permitted to enter premises licensed for bingo, they may not participate in the bingo, nor may they make use of any category of gaming machine, other than those in category D. Where category B or C machines are made available in premises to which children are admitted it is expected that:

- all such machines will be located in an area of the premises 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 will be admitted to the area where the machines are located;
- access to the area where the machines are located will be supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

11.24. Only 20% of machines within Bingo premises can be Category B

Family Entertainment Centre Premises Licences

11.28. 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only (category C) gaming machine areas.

11.29. Further licence conditions may also be considered in respect of the following matters – however, it must be noted that this list is not exhaustive:

- CCTV
- Supervision of entrances/ machine areas
- Location of entry
- Notices/signage

- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises

11.30. This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website and make itself aware of any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

12. Conditions

12.2. Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions that have been detailed in regulations issued by the Secretary of State.¹⁶ The Licensing Authority, through the Licensing of Alcohol and Gambling Sub-Committee, may also impose further conditions in response to specific issues, which will be decided on a case-by-case basis. The Council is of the view that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

12.3. Any conditions attached to licences will be proportionate, and:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the category of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonable in all other respects; and
- not duplicative of other regulatory regimes.

12.4. An applicant can request that default conditions are excluded from a licence, and in these circumstances the licensing authority may instead impose an appropriate condition that addresses a similar matter to the excluded condition (for example, if a default condition relating to permitted trading times is excluded, the licensing authority may attach a new condition permitting specified trading hours longer than the default hours). The licensing authority will give a full explanation of the rationale behind any decision to attach such an additional condition, 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 door supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

12.5. It is noted that there are certain types of conditions that the licensing authority cannot attach to premises licences, including:

- any condition which would be incompatible with an operating licence condition;
- conditions restricting gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removed 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

12.6. The licensing authority may, in response to specific concerns, impose additional conditions on a premises licence requiring that the entrances to that premises are controlled by door supervisors, to prevent incidents of disorder or attempts at unauthorised access (for example by children and young persons). In such cases, consideration must also be given to whether that supervisor needs to be licensed under the Private Security Industry Act 2001, as the statutory requirements vary by premises type. This licensing authority notes the contents of part 33 of the Commission's guidance, which outlines a limited relaxation of the licensing requirement for door supervisors at licensed bingo and casino premises – however, the authority would encourage all operators employing door supervisors to use ones licensed by the Security Industry Authority, so as to ensure that all staff in these positions are fully trained and accredited.

¹⁶ Statutory Instrument 2007 No. 1409 - The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

Further information

Part 9 of the Gambling Commission’s Guidance to licensing authorities provides further information on conditions.

13. Location of premises (Including Local Area Profile and Local Area Risk Assessment guidance)

13.2. The licensing authority notes that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. Particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

Local area profile¹⁷

13.3. A local area profile will be produced by the authority and published on our website. This will highlight areas within the borough which the licensing authority, in consultation with our responsible authorities and other partner agencies (in particular, the Public Health unit of Hertfordshire County Council), considers to present higher than normal risks for the location of a gambling premises. This may be due to large levels of vulnerable persons living in a particular locality, the proximity of a school, youth centre or medical facility, a high level of deprivation, or other factors which the authority believes should be taken into consideration.

13.4. We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of our local area profile within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate any risks identified which may arise as a result of the opening or continuation of trade at those premises.

Local risk assessments¹⁸

13.5. Under the Commission's Licence Conditions and Codes of Practice, from April 2016 operators will be required to compile and maintain a local risk assessment for each premises they operate, and to provide copies of these assessments to the Licensing Authority alongside any application for a new premises licence or to vary an existing premises licence, or otherwise at the request of the Authority. Risk assessments must be kept at the individual premises to which they relate all staff should be fully aware of the risk assessment and where it is kept in order that they work in accordance with any requirements, and it can easily be provided to responsible authorities should they request to see it at any reasonable time, including unannounced inspections and ad hoc visits.

13.6. We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question.

13.7. However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments – a single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

¹⁷ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 6.47 onwards

¹⁸ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 6.41 onwards

14. Division of premises and appropriate licensing environment

- 14.2. In the Act, 'premises' is defined as including "any place". Section 152 prevents more than one premises licence applying to any single place. But a single building could be subject to more than one premises licence, provided each licence is for a different and discrete part 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 businesses in large, multiple unit premises such as a pleasure park, tracks or shopping centres to obtain discrete premises licences, where appropriate safeguards are in place.
- 14.3. This licensing authority takes note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences within a single building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the authority is 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 activities identified on the premises licence.
- 14.4. The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling areas and non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.
- 14.5. It is also noted that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each part of the divided premises. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.
- 14.6. The licensing authority notes the Commission's guidance¹⁹ 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 that 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." When assessing whether premises can be regarded as separate, the licensing authority proposes to assess the following criteria:
- Does each premises have its own external entrance;
 - Does each premises trade as a separate entity;
 - Are the premises subject to separate non-domestic rateable valuations?
 - Is each premises operated by different persons;
 - What is the quality of separation (i.e. if dividing barriers are to be used, are they permanent,

¹⁹ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 7.6

- opaque, floor-to-ceiling division?);
- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines.

14.7. If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the licensing authority will apply the following criteria to those areas:

- Is the non-gambling area proposed as a token separation;
- Is it genuinely an area to which the public would go for purposes other than gambling;
- Is it in effect introducing artificial separation, or genuinely a functionally separate area;
- Is there in effect direct access between the divided units, or is it a place from which access can be gained to two premises.

14.8. Different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with the gaming machine entitlements that brings; and are not artificially created as part of what is readily identifiable as a single premises. Poor quality or temporary divisions will not be viewed favourably.

14.9. The licensing authority notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premises type	Access restrictions
Adult gaming centre	No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol-licensed premises gaming machine permit
Betting (other)	Access from a street or another betting premises only No direct access from any other premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premises
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family entertainment centre	No direct access from licensed casino, adult gaming centre or betting (other) premises

14.10. In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators seeking solely to make use of any additional machine entitlement (for example, holding a bingo premises licence but not making any facilities for playing bingo available in the licensed premises). The Gambling Commission consulted on this issue in 2008, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary licensable activity (e.g. provision of facilities for non-remote betting in a betting (other) licensed premises), now referred to in the Guidance as offering an appropriate licensing environment.

15. Access by children

15.2. When considering applications for premises to which children may be admitted, in cases where the issue of a licence would authorise the provision of gaming machines of categories C or higher, the licensing authority will expect the operator to ensure that:

- 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.

15.3. These considerations will apply equally to single premises and to buildings where multiple, discrete premises licences may have effect (for example, a multi-unit shopping centre, or a mixed use development with a number of retail and leisure units).

16. Provisional Statements

- 16.2. The 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.
- 16.3. Developers may wish to apply for a provisional statement 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, nor do they need to have formalised the right to occupy the premises in respect of which the application is made.
- 16.4. The process for considering an application for a provisional statement is similar to 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.
- 16.5. The holder of a provisional statement may subsequently apply for a premises licence. Where a provisional statement is in place, the licensing authority will be constrained in the matters it can consider when determining the premises licence application, and no 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.
- 16.6. In the above circumstance, the authority may only refuse to grant the premises licence (or grant it on terms different to those attached to the provisional statement) with 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.
- 16.7. If an operator has already acquired a premises, has a right of occupation, and holds an appropriate operating licence, there is no requirement for them to obtain a provisional statement prior to making an application for a premises licence – this will simply be a matter of choice. However, where premises are likely to require construction or development work prior to being ready for use for gambling (and as such are not in a state where they can be inspected during the application process), the licensing authority may seek to attach the following additional condition to any premises licence granted:
- The premises are to be constructed in accordance with the deposited plans and shall not trade until such time as they have been inspected and approved by officers of the licensing authority.*

17. Reviews

- 17.2. Requests for a review of a premises licence can be made at any time by interested parties or responsible authorities. It is for the licensing authority to decide whether to accept any application for review of a licence, after considering whether the application is:
- frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or substantially the same as previous representations or requests for review;
 - 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 principles.
- 17.3. The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises.
- 17.4. 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, to begin 7 days after receipt of the application. The licensing authority will publish notice of the application within this initial 7-day period.
- 17.5. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.6. 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:
- to add, remove or amend a licence condition imposed by the licensing authority;
 - to exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - to suspend the premises licence for a period not exceeding three months; or
 - to revoke the premises licence.
- 17.7. In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 17.8. Following the completion of the review, the licensing authority will notify its decision in writing to the licence holder, the applicant for review (if not initiated by the authority), any person who made representations in respect of the review, and the responsible authorities designated in regulations made under the Act.

18. Casinos

- 18.2. Licensing authorities have discretion to pass a resolution, under section 166 of the Act, not to issue any casino premises licences. To date, the Licensing Authority has not passed such a resolution, but notes that it has the power to do so.
- 18.3. The Act only allows for a fixed number of 'regional', 'large' and 'small' casinos to be licensed nationally. Licensing authorities must be authorised by the Secretary of State to issue new licences for any of these categories, to ensure that the national limits are not exceeded. Dacorum is not amongst the authorities that have been so authorised, and had no casinos licensed under previous legislation for which 'converted' casino licences were issued during the transitional period. As such, the effect of any resolution under section 166 would be largely academic at the present time, as no new licences can currently be awarded. The authority will however keep itself apprised of any future developments in this area.

Part C: Permits and notices



19. Introduction

- 19.2. The proprietors of dedicated, high-value gambling outlets will generally be required to complete a comprehensive application process to obtain premises and operating licences. However, the Act also makes provision for simpler processes for incidental and low-value gambling activities, such as gaming machines in pubs, bars and clubs, and small-stakes prize gaming. This part of the statement outlines the principles that we will apply to applications for gaming and gaming machine permits, and notifications of temporary or occasional gambling usage.
- 19.3. It is noted that there is some potential overlap in the activities that may be authorised under premises licences and permits, particularly in respect of the provision of multiple gaming machines. Where such activities are provided under a permit, the licensing authority will monitor the provision of those activities to ensure that the permitting system is not being abused and used to authorised gambling as a sole or main business activity, and may seek to initiate proceedings to withdraw or cancel a permit, where such actions are provided for in legislation, if of the opinion that those activities should in fact be authorised by way of a premises licence.

20. Alcohol-licensed premises gaming machine permits & notifications

- 20.2. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically make up to 2 gaming machines, of categories C and/or D, available for use (so long as those premises satisfy the criteria in section 278(1) of the Act). The holder of the premises licence merely needs to notify the licensing authority that they intend to make use of this entitlement, and make payment of the prescribed notification fee.
- 20.3. The licensing authority may remove the automatic entitlement in respect of any particular premises if it is thought that:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act 2005 has been committed on the premises.
- 20.4. If the proprietor of an alcohol-licensed premises wishes to make 3 or more gaming machines available for use, then an application must be made for a licensed premises gaming machine permit. When considering that application, the licensing authority must have regard to the licensing objectives and any guidance issued by the Gambling Commission. The licensing authority may also consider “such other matters as they think relevant.”
- 20.5. This licensing authority will decide upon the interpretation of “such other matters” 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. The licensing authority 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 adult-only gaming machines (category C). Examples of measures to satisfy the authority may include the gaming machines being positioned in sight of the bar, or in the sight of staff who will monitor to ensure that the machines are not being used by those under 18. Notices and signage may also assist in this regard. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 20.6. It is recognised that some alcohol-licensed premises may apply for a premises licence for non-alcohol licensed areas. Any such application would most likely need to be made for, and dealt with as, an adult gaming centre premises licence.
- 20.7. It should be noted that the licensing authority can decide to grant the application for a smaller number of machines and/or a different category of machines than that applied for. Although licensing authorities cannot attach any further conditions beyond these matters, permit holders are obliged to operate any gaming machines in compliance with the Commission’s ‘Gaming Machine Permits Code of Practice’, which imposes binding requirements for the supervision of gaming machines and for their positioning away from ATM’s, as well as offering a number of examples of best practice in respect of the prevention of underage gambling and the protection of vulnerable persons.

21. Club gaming permits & Club machine permits

21.2. Members' clubs and miners' welfare institutes may apply for a club gaming permit or a club machine permit. A club machine permit will enable the club to provide gaming machines (3 machines of categories B, C or D) for use by its members. A club gaming permit bestows the same machine entitlement, and also allows the club to provide equal chance gaming and games of chance as set-out in regulations.

21.3. To qualify, members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming (excluding types of gaming specified in regulations – i.e. bridge and whist clubs²⁰). A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples may include sporting clubs, working men's clubs, branches of Royal British Legion and clubs with political affiliations.

21.4. Commercial clubs are also entitled to apply for a club machine permit, but are not eligible for club gaming permits.

21.5. The Commission's guidance also notes that licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.²¹

21.6. There is also a 'fast-track' procedure available under the Act for qualifying clubs that hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced to the following:

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

21.7. There are statutory conditions on club gaming permits, requiring that no child is permitted to use 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. However, no further conditions may be attached to a permit.

²⁰ Statutory Instrument 2007 No. 1942 – The Gambling Act 2005 (Gaming in Clubs) Regulations 2007

²¹ Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 25.40

22. Family entertainment centre gaming machine permits

- 22.2. A proprietor of a family entertainment centre premises (FEC), who wishes to make only category D gaming machines available for use in those premises, can do so in reliance upon a family entertainment centre gaming machine permit. This category of permit provides an alternative to the family entertainment centre premises licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.
- 22.3. It should be noted that the premises must be wholly or mainly used for making gaming machines available for use, to be eligible for this type of permit.
- 22.4. Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection issues.
- 22.5. The applicant will be expected 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. This Licensing Authority will also expect, as per Gambling Commission guidance²², that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions; and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 22.6. Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machines will be made available for use.
- 22.7. 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.
- 22.8. It is noted that a licensing authority cannot attach conditions to this type of permit.
- 22.9. This licensing authority has produced a family entertainment centre gaming machine permit application form, but, so long as the required information is provided, will not require applications to be made exclusively in this format. The form can be downloaded from our website, at www.dacorum.gov.uk/licensing

²² Gambling Commission Guidance to Licensing Authorities, Last updated 13 May 2021, para 24.9

23. Prize gaming permits

23.2. In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in Regulations²³;
- that the gaming offered is within the law; and
- that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling – in particular, the measures that will be taken to ensure that children cannot participate in the gambling offered.

23.3. In making its decision on an application for this type of permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

23.4. There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the licensing authority cannot attach further 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.

²³ Statutory Instrument 2009 No. 1272 – The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009

24. Temporary use notices

- 24.2. Temporary use notices allow a gambling operator to make infrequent use of unlicensed premises, to use the premises for a limited time to provide facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Guidance, may include hotels, conference centres and sporting venues.
- 24.3. The licensing authority can only accept a Temporary Use Notice from a person or company holding a relevant non-remote operating licence: i.e. a non-remote casino operating licence.
- 24.4. The types of gambling activities that may be authorised by a Temporary Use Notice are set out in Regulations made under the Act²⁴. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 24.5. Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. 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 considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 24.6. 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 reasonably be described as one set of premises, as recommended in the Guidance, or in other cases where the proposed gaming would undermine the licensing objectives or be contrary to the Guidance or this Statement of Principles.

25. Occasional use notices

- 25.2. Occasional use notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a licensing authority. A day is defined as midnight to midnight, and not simply 24 hours across 2 days. A separate OUN is required for each day.
- 25.3. The Licensing Authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.
- 25.4. It is further noted that occasional use notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate betting operating licence, nor from the requirements of any conditions imposed upon that licence.
- 25.5. This licensing authority has produced a template form, suitable for giving an occasional use notice, but will not require notifications to be given exclusively in this format. The template form can be downloaded from www.dacorum.gov.uk/licensing

²⁴ Statutory Instrument 2007 No. 3157 - The Gambling Act 2005 (Temporary Use Notices) Regulations 2007

26. Travelling fairs

- 26.2. It will fall to the licensing authority to decide whether, at travelling fairs where category D machines are to be made available for use and / or equal chance prize gaming without a permit is offered, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 26.3. The licensing authority will also consider whether the proprietor falls within the statutory definition of a travelling fair.
- 26.4. A statutory limit of 27 days per calendar year applies to gambling at each site used by travelling fairs, and this limit 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. Where concerns arise in respect of sites crossing the borough boundary, this licensing authority will work with its neighbouring authorities to ensure that the usage of such sites is monitored so as to ensure that the statutory limits are not exceeded.

Part D: Lotteries



27. General principles

- 27.2. The Gambling Act 2005 regulates almost all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.
- 27.3. While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a payment is made for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.
- 27.4. Broadly speaking, there are two categories of lottery established under the Act –
- **Licensed lotteries** include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a local authority. An operating licence must be held by the promoter(s) of these lotteries.
 - **Exempt lotteries** fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries.

28. Licensed lotteries

- 28.2. The administration and enforcement of licensed lotteries is the responsibility of the Gambling Commission, although local authorities may provide information and intelligence to assist in the exercise of these functions.
- 28.3. Should a society registered with a licensing authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries, and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the Licensing Authority will remain in force, but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.
- 28.4. The Act provides a mechanism for local authorities to promote lotteries (or have lotteries promoted on their behalf) in order to raise funds for any item or service on which they may lawfully incur expenditure. Prior to doing so, an operating licence must be obtained from the Gambling Commission. A senior council officer must also hold a personal management licence, again issued by the Commission. At the time of writing, no such licences are in place, and accordingly lotteries may not be promoted by or on behalf of the authority.
- 28.5. The Licensing Authority must hold a register for all registered small society lotteries. Whilst this does not need to be a public register, it is recommended by the Commission that this is made available to the Public on request. The Licensing Authority will seek to include a register of all small society lotteries on its website.
- 28.6. The applicant and Commission will be notified as soon as practicable once this has been registered. In normal circumstances, this will happen immediately as part of the registration process.

29. Exempt lotteries

- 29.2. Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a local authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out compliance checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.
- 29.3. Prior to registering a society, the licensing authority may consult informally with certain statutory partners, including the Gambling Commission and Hertfordshire Constabulary, in order to satisfy itself that the information given in the application for registration is correct, the applicant is a bona fide non-commercial society, an operating licence held by the society has not been refused or revoked in the preceding 5 years, and that no persons who will be connected with the promotion of lotteries for the society have been convicted of relevant offences. Where the authority cannot be so satisfied, it is open to it to refuse the application for registration, but only after the applicant has been given the opportunity to lodge representations in respect of the proposed refusal.
- 29.4. Registrations will remain in force indefinitely, incurring an annual fee in each year that they remain in force. Societies may request the cancellation of their registration, in writing, at any time. The licensing authority may also revoke a registration, upon any of the grounds outlined in paragraph 4.8, or cancel a registration for non-payment of annual fees. Revocation may only occur after the applicant has been given the opportunity to lodge representations.

30. Free prize draws & skill competitions

- 30.2. The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the licensing authority will not become involved in any matters relating to such schemes.
- 30.3. However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries or prize gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide basic advice on ensuring that any competitions are run in compliance with the relevant laws. However, the licensing authority will not offer advice or approval of individual schemes, nor will it offer in depth advice as to the legality of a particular activity. It is ultimately the responsibility of the promoter to ensure that a scheme is compliant with statutory requirements, and to seek independent confirmation of this from a legal adviser where appropriate.
- 30.4. This licensing authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and will expect the promoter of any such scheme to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:
- prevent a significant proportion of people who wish to participate from doing so; or
 - prevent a significant proportion of people who participate from receiving a prize.

Annexes



Annex A – Delegation of functions

Full details of the scheme of delegation adopted by Dacorum can be viewed in the Council’s Constitution, which is available on our website. The table below summarises the various delegations, and shows which functions will be exercised at which level.

Matter to be determined	Delegation level	
	Licensing of Alcohol & Gambling Sub-Committee	Officers
Determination of an application for a provisional statement	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for variation of a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for transfer of a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Determination of an application for reinstatement of a premises licence	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Initiation of review of a premises licence by licensing authority	-	✓
Determination of an application for review of a premises licence	✓	-
Determination of an application for club gaming / club machine permit	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Cancellation of club gaming / club machine permits	✓	-
Determination of applications for other permit types	-	✓
Cancellation of licensed premises gaming machine permits	-	✓
Determination of a temporary use notice	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Acknowledgment of occasional use notice	-	✓
Registration of non-commercial societies for small society lotteries	-	✓
Revocation or cancellation of small society lottery registrations	-	✓
Decisions to prosecute or issue cautions for offences under the Act	-	✓

Adoption of the statement of principles, and resolutions not to issue casino licences, are functions of the Full Council.

Annex B – Contact details

For information on this statement of principles, or for informal advice on making an application or whether a particular gambling activity is likely to require authorisation, please contact:

**Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
HP1 1DN**

Phone: **01442 228000**
Email: licensing@dacorum.gov.uk
Web: www.dacorum.gov.uk/licensing

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or legal representative.

Responsible authority contact details

The Gambling Commission

Phone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

HM Revenues and Customs (National Registration Unit)

Phone: 0300 322 7072

Email: nrubetting&gaming@hmrc.gsi.gov.uk

Hertfordshire Constabulary (Dacorum Licensing)

Phone: 01442 271601

Email: dacorumlicensing@herts.pnn.police.uk

Hertfordshire Fire and Rescue Service

Phone: 01707 292310

Email: administration.cfs@hertfordshire.gov.uk

Dacorum Planning

Phone: 01442 228000

Email: planning@dacorum.gov.uk

Dacorum Regulatory Services

Phone: 01442 228455

Email: environmentalhealth@dacorum.gov.uk

Hertfordshire Safeguarding Children Board

Phone: 01992 588757

Email: admin.hscb@hertfordshire.gov.uk

Full contact details for the above authorities including postal addresses, and additional authorities in respect of gambling activities on vessels, can be viewed on our website.

To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk



Gambling Act Local Area Profile under the Gambling Act 2005

2022 – 2025



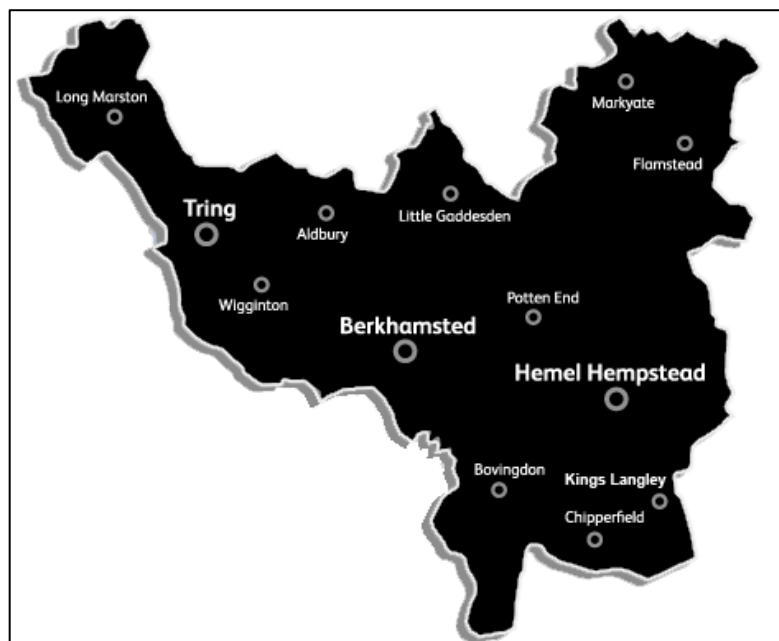
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Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.



- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, including two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations. We know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to deliver these aims.
- 1.4. Dacorum has a population of 144,800¹, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website².
- 1.5. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area.

¹ Office of National Statistics, Census 2011 (published July 2012)

² www.dacorum.gov.uk/home/community-living/statistics-about-dacorum

2. About this document

- 2.1. This document is Dacorum Borough Council's Local Area Profile, as described in the Gambling Commission Guidance to Licensing Authorities, for consideration by operators when creating their Local Risk Assessments (LRAs)
- 2.2. As stated in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), licensees have a social responsibility to assess local risks to the licensing objectives posed by the provision of gambling facilities. Although it is not a requirement for licensing authorities to complete a risk assessment of their area, it is emphasised by the Gambling Commission that such assessments, referred to as local area profiles, are of significant benefit to both the licensing authority and operators. Benefits are specifically set out under section 6.53 of the Gambling Commission's guidance as follows:
 - i. It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
 - ii. Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
 - iii. It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
 - iv. It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

3. Risk Assessment Considerations

- 3.1 At the time of this LAP being published Dacorum has 13 gambling premises licences currently issued, 1 adult gaming centres and 12 betting shops and there are no areas with a high density of gambling premises.

In assessing local area profiles, licensing authorities can also take into account the location of:

- schools, sixth form colleges, youth centres etc. with regard to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area where they are specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area

The Council does not have any evidence that there are specific issues at the moment. However, any operators preparing local risk assessments would be expected to take the above in to account and be aware of the social and physical makeup of the immediate vicinity of their proposed or existing location.

To do so an operator should consider the Ward Profiles found on our website,

<http://www.dacorum.gov.uk/home/community-living/statistics-about-dacorum>

and local crime statistics available via the Police.uk website:

<https://www.police.uk/hertfordshire/#neighbourhoods>

Risk assessments would be expected to include relevant control measures to counteract issues identified by the operator. Risk assessments for existing premises must reference regulatory return data including problem and underage customers. If a local risk assessment identifies any particular area of concerns they should contact the most appropriate Responsible Authority before submitting an application for a new licence or variation.

In a similar manner the Local Authority will inform any operator if they become aware a substantial change to local circumstances with an expectation that the operator update their risk assessment.

To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk