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**LICENSING AND HEALTH AND SAFETY  
ENFORCEMENT COMMITTEE AGENDA**

**TUESDAY 10 SEPTEMBER 2024 AT 7.30 PM  
CONFERENCE ROOM 1 - THE FORUM**

Membership

Councillor Jonathan Gale (Chair)  
Councillor Carole Weston (Vice-Chair)  
Councillor Alex Bhinder  
Councillor Ian Bristow  
Councillor Toni Cox  
Councillor David Deacon

Councillor Nigel Durrant  
Councillor Alan Johnson  
Councillor Barbara Pesch  
Councillor Paul Reynolds  
Councillor Victoria Santamaria  
Councillor Andrew Williams MBE

For further information, please contact Corporate and Democratic Support on 01442 228209 or email [member.support@dacorum.gov.uk](mailto:member.support@dacorum.gov.uk)

**AGENDA**

- 1 MINUTES** (Pages 2 - 3)  
To approve the minutes from the last meeting.
- 2 APOLOGIES FOR ABSENCE**  
To receive any apologies for absence.
- 3 DECLARATIONS OF INTEREST**  
To receive any declarations of interest.
- 4 PUBLIC PARTICIPATION**
- 5 LICENSING FEES AND CHARGES 2025-2026** (Pages 4 - 46)
- 6 REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES** (Pages 47 - 104)
- 7 REVIEW OF ANIMAL ACTIVITY LICENSING POLICY** (Pages 105 - 144)

# Agenda Item 1

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## DACORUM BOROUGH COUNCIL

### LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

30 JULY 2024

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#### MEMBERS:

Councillor Gale (Chair), Bristow, Deacon, Douris, Durrant, Johnson, Pesch, Reynolds, Santamaria and A Williams

#### OFFICERS:

Sally Mcdonald	Licensing Manager
Kim Knight	Licensing Lead Officer
Trudi Angel	Democratic Support Officer

The meeting began at 7.36 pm.

#### 1. MINUTES

The minutes of the meeting held on 15 May 2024 were agreed by the members present and then signed by the Chair.

#### 2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Bhinder and Weston.

Councillor Douris substituted for Councillor Bhinder.

#### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4. PUBLIC PARTICIPATION

Mr Ahmed attended the meeting to speak on item 5.

Please refer to the video minutes for full discussion.

#### 5. DRAFT REVISIONS TO TAXI AND PRIVATE HIRE LICENSING POLICY – REQUEST TO CONSULT UPON CHANGES

Please refer to the video minutes for full discussion.

#### Decision

The committee agreed that the document containing the draft revisions is put out for consultation for a period of six weeks.

## **6. PAVEMENT LICENSING – NEW ARRANGEMENTS**

Please refer to the video minutes for full discussion.

### Decision

The committee agreed that;

1. The new arrangements are noted.
2. The revised grant and renewal licence fees to cover administration of the new regime are agreed.
3. The draft pavement licence policy is presented for consultation, with responses being presented to a future Committee meeting.

The meeting finished at 9.00 pm.

# Agenda Item 5



Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	10 <sup>th</sup> September 2024
PART:	I
If Part II, reason:	

Title of report:	<b>Licensing fees and charges 2025-2026</b>
Contact:	Sally Mcdonald, Licensing Manager
Purpose of report:	To set the fees and charges payable in connection with licensing applications for the financial year 2025-2026.
Recommendations	That the fees and charges payable in connection with licensing applications for the financial year 2025-26 are approved.
Corporate objectives:	Ensuring efficient, effective and modern service delivery
Implications:	<p><u>Financial</u> There will be a small cost in adoption of fees, as some require public notice to be given.</p> <p><u>Value for Money</u> A full review of fees has been undertaken in line with associated statutory guidance and with the aim as far as possible of full cost recovery.</p> <p><u>Community Impact</u> None identified</p>
Consultees:	Public notice and an opportunity for objections will be provided where there is a statutory duty to advertise.
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

## 1. GENERAL PRINCIPLES FOR FEE SETTING

- 1.1. Dacorum Borough Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allow the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the administration of those licence types. In some cases, costs are also permitted to cover other aspects of providing the regulatory scheme, such as enforcement.
- 1.2. The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed regularly to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed or recouped, as applicable.
- 1.3. Many licensing schemes fall within the definition of 'services', and are therefore subject to the EU Services Directive, incorporated in to UK law as the [Provision of Services Regulations 2009](#). For such schemes, fees and charges must "be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities". This principle was affirmed by the UK Supreme Court in [R. \(on the application of Hemming \(t/a Simply Pleasure Ltd\)\) v Westminster City Council](#).
- 1.4. In the above case, the Supreme Court referred one issue, on the legality of a demand for upfront payment relating to the ongoing enforcement and compliance of licensing and regulatory schemes, to the European Court of Justice for consideration. The ECJ issued its judgement in November 2016, stating that the law precludes any requirement for payment at the time of submitting an application, of part of a fee which relates to the ongoing management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is subsequently refused. As a result of this, and earlier decisions in the Hemming case, fees for licence types which fall within the scope of the Services Directive are now set in a two-stage structure:
  - an initial application fee payable at the time of application, representing the authority's costs in considering and determining the application;
  - a subsequent licence fee payable upon the grant of the application but prior to the issue of the licence, covering the costs of ongoing enforcement and compliance checks of the authorisation scheme, and any other costs which the authority is permitted to recover through its licence fees.
- 1.5. The key exclusions from the above provisions relate to gambling and taxi licences, as those categories of services are excluded from the Directive and the 2009 Regulations. Fees in connection with taxi applications are defined in the subject legislation as licence fees, as they are payable for the grant of a licence, not for an application (ancillary charges, e.g. DBS checks, are payable at the time, however). Gambling fees are treated as application fees, as the legislation makes no provision for refund in the event of an application being unsuccessful. Fees under the Licensing Act 2003 for alcohol/entertainment licences, which are set nationally within legislation, are also treated as application fees as the legislation is again silent on the subject of refunds.

1.6. The table at Annex A summarises the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers.

## **2. CURRENT POSITION AND PROPOSALS**

2.1. A proposed list of service-wide fees and charges (excluding those fees set by statute or under executive arrangements) for the period from 1 April 2025 to 31 March 2026, is appended to this report as Annex C.

2.2. In addition to the general explanatory note at para 1.4-1.5, the following comments are made to appraise the Committee in respect of current fees where arrangements have changed over the last year or there is legislation capping or preventing change.

- a) For the forthcoming year, a 3% uplift has been applied due to the increase in the cost of overheads. However, a full review of charges on all the non-statutory fees has been undertaken, taking into account statutory fees guidance for each function, and the fact that we must incorporate any surpluses into our calculations with the aim of achieving full cost recovery only.

### **Alcohol/entertainment fees**

2.3. These continue to be set nationally in legislation, at levels which have not changed since 2005. In November 2017, the Government responded to a House of Lords Select Committee report examining the legislation for these licences, stating that the Government had decided not to commence statutory powers allowing licensing authorities to set these fees at a local level, citing additional costs facing licensed premises as a result of business rates revaluations. Given this history, a further review of business rates valuations in April 2023, and the continuing recovery of the hospitality industry from the pandemic, together with the issues in the last few years with high inflation and the subsequent cost of living crisis, it seems likely that these fees will remain at current levels for the foreseeable future, which result in a substantial deficit against costs, with the only way to reduce this burden being to continue to look at how we can deal with such licences as efficiently and economically as possible, whilst meeting our statutory responsibilities. It is hoped that the digital transformation project currently going forward will open up further ways to do this.

### **Gambling Act fees**

2.4. Fees for premises licence are capped in fees regulations, and fees for all permits, lottery applications and lottery registration annual fees are set nationally within the legislation, so cannot be adjusted.

### **Charity Collections**

2.5. We do not charge fees for either street or house to house collections.

### **Pavement licence fees**

2.6. There has been a recent change to this legislation, which has given local authorities discretion to set their own fees up to a cap of £500.00 for a new grant, and £350.00 for renewal. For these applications we must consider the cost of processing and determining applications (with or without objections), inspections for compliance, and enforcement for breaches and unauthorised activity, a power that has been given to

local authorities with the enactment of the Levelling up and Regeneration Act last year. Fees for the remainder of this financial year were agreed at the meeting of the Licensing Committee in July, and estimates incorporating the increase in overheads costs have been proposed for the 2025-26 financial year.

### **Scrap Metal Licensing**

2.7. This is an executive function, so not dealt with by this Committee.

### **Caravan Site Licences**

2.8. For this function we can charge fees to consider applications for the issue and transfer of site licences, to alter conditions on site licences and for the administration and monitoring of those licences. Fees policies must be “transparent and reasonable”.

2.9. Caravan site licensing fees are set out by review of the Council’s Mobile Homes Fees Policy. The revised Policy is attached to this report and approval is sought for the Policy and fees for the 2025-26 financial year at this meeting. The policy is set out at Annex D.

### **GENERAL COMMENTS**

2.10. As in previous years, no prior consultation has been carried out on these proposed fees, save for assistance with calculations by the service accountant. As licensing authorities are legally obliged to set fees on a cost recovery basis, costs are the only factor they should consider. Comparisons with fees charged by other authorities, comparisons with inflation rates or other indices (including regulated taxi fares) or responses generally opposing an increase as it will raise costs for businesses should carry little weight. In previous years almost all of the responses received to consultations have fallen under these descriptions, as it is very difficult for third parties to make any other comment on the costs incurred by the licensing authority.

2.11. For fees covered by a public notice requirement, an opportunity will be available to make representations on the proposed fees prior to their going live, following the publication of a public notice in a local newspaper. The authority must consider any representations received prior to deciding whether to go ahead with the proposed fee levels.

## **3. RECOMMENDATIONS**

**3.1. In pursuance of the fee-setting powers conferred upon the Council as specified in Annex A of this report, that the Licensing, Health & Safety and Enforcement Committee set as the fees and charges payable by applicants in connection with applications and other processes for licences, registrations and permits the fees and charges as set out in Annex C and the Mobile Homes Fees Policy set out in Annex D, for the period from 1st April 2025 to 31st March 2026; and**

**3.2. That authority to consider any objections arising from statutory notices pertaining to these fees be delegated to the Assistant Director (Legal and Democratic Services) in consultation with the Chairman of the Licensing, Health & Safety and Enforcement Committee.**

**Annex A**  
**Summary of powers to set application fees**

Section	Area	Power arises from
General principle		Reg. 18, Provision of Services Regulations 2009 (2) Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must not— (a) be dissuasive, or (b) unduly complicate or delay the provision of the service. ... (4) Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
1.1 – 1.7	Alcohol, entertainment, etc	Prescribed in regulations made by the Secretary of State under the Licensing Act 2003.
2.1, 2.3, 2.4, 2.5, 2.7, 2.8	Animal Activity Licensing	Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Cost recovery
2.2	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
2.6	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
3.2, 3.4 – 3.5	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in fees regulations under the Gambling Act 2005. No fee chargeable for OUN's
3.1, 3.3	Gaming permits, lotteries	Prescribed in fees regulations made by the Secretary of State under the Gambling Act 2005
4.1, 4.2	Charity collections	No fees chargeable
5.1	Hypnosis	No fees chargeable (except by London boroughs)
6.1.	Pavement Licensing	S2(1A) can be set locally, up to maximum of £500.00 for new applications and £350.00 for renewal applications.
7.1	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance <i>FEE-SETTING IS AN EXECUTIVE FUNCTION</i>
8.1	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Provisions) Act 1982 Reasonable fee
9.1	Skin piercing, etc	s.14(6), 15(6) , Local Gov't (Misc. Provisions) Act 1982 Reasonable fee
10.1	Street trading	Sch 4, para 9, Local Gov't (Misc. Provisions) Act 1982 Such fees as LA considers reasonable Different fees permissible for different types of licence/consent, including duration, location and type of goods.
11.1, 11.2	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. <i>Licence fee refundable if licence not granted.</i>
11.3, 11.4	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. <i>Licence fee refundable if licence not granted. Max. fees must be advertised.</i>
12.1	Mobile homes	Mobile Homes Act 2013



**Annex B**  
**Current fees and charges 2024-25**

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £	
1.1	Band A	100.00	-	100.00	
1.1	Band B	190.00	-	190.00	
1.1	Band C	315.00	-	315.00	
1.1	Application for new club premises certificate	Band D	450.00	-	450.00
1.1	Band E	635.00	-	635.00	
1.1	Site under construction/development	315.00	-	315.00	
1.1	Band A	100.00	-	100.00	
1.1	Band B	190.00	-	190.00	
1.1	Band C	315.00	-	315.00	
1.1	Application for full variation of club premises certificate	Band D	450.00	-	450.00
1.1	Band E	635.00	-	635.00	
1.1	Site under construction/development	315.00	-	315.00	
1.1	Application for minor variation of club premises certificate	89.00	-	89.00	
1.1	Request for duplicate copy of certificate following loss/theft/damage	10.50	-	10.50	
1.1	Change of name or address on club premises certificate	10.50	-	10.50	
1.1	Change of club rules	10.50	-	10.50	
1.2	Band A	-	70.00	70.00	
1.2	Band B	-	180.00	180.00	
1.2	Band C	-	295.00	295.00	
1.2	Annual fee (payable on anniversary of grant of certificate)	Band D	320.00	320.00	
1.2	Band E	-	350.00	350.00	
1.2	Site under construction/development	-	295.00	295.00	
1.3	Application for new personal licence	37.00	-	37.00	
1.3	Duplicate copy of licence following theft/loss/damage	10.50	-	10.50	
1.3	Change of name or address	10.50	-	10.50	
1.4	Band A	100.00	-	100.00	
1.4	Band B	190.00	-	190.00	
1.4	Band C	315.00	-	315.00	
1.4	Application for new premises licence	Band D	450.00	-	450.00
1.4	Band D with multiplier	900.00	-	900.00	
1.4	Band E	635.00	-	635.00	
1.4	Band E with multiplier	1,905.00	-	1,905.00	

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £
1.4	Site under construction/development	315.00	-	315.00
1.4	Band A	100.00	-	100.00
1.4	Band B	190.00	-	190.00
1.4	Band C	315.00	-	315.00
1.4	Band D	450.00	-	450.00
1.4	Band D with multiplier	900.00	-	900.00
1.4	Band E	635.00	-	635.00
1.4	Band E with multiplier	1,905.00	-	1,905.00
1.4	Site under construction/development	315.00	-	315.00
1.4	Capacity: 5,000–9,999	1,000.00	-	1,000.00
1.4	Capacity: 10,000–14,999	2,000.00	-	2,000.00
1.4	Capacity: 15,000–19,999	4,000.00	-	4,000.00
1.4	Capacity: 20,000–29,999	8,000.00	-	8,000.00
1.4	Capacity: 30,000–39,999	16,000.00	-	12,000.00
1.4	Capacity: 40,000–49,999	24,000.00	-	16,000.00
1.4	Capacity: 50,000–59,999	32,000.00	-	20,000.00
1.4	Capacity: 60,000–69,999	40,000.00	-	24,000.00
1.4	Capacity: 70,000–79,999	48,000.00	-	28,000.00
1.4	Capacity: 80,000–89,999	56,000.00	-	32,000.00
1.4	Capacity: 90,000+	64,000.00	-	64,000.00
1.4	Application for transfer of premises licence	23.00	-	23.00
1.4	Application for variation of premises licence to specify premises supervisor	23.00	-	23.00
1.4	Application for minor variation of premises licence	89.00	-	89.00
1.4	Application to substitute mandatory condition for community premises (if not made simultaneously with another application)	23.00	-	23.00
1.4	Application for interim authority notice	23.00	-	23.00
1.4	Request for duplicate copy of premises licence following loss/theft/damage	10.50	-	10.50
1.4	Change of name or address on premises licence	10.50	-	10.50
<b>1.5 (Alcohol, Entertainment, etc – Premises Licences – Annual Fees)</b>				
1.5	Annual fee (payable on anniversary of grant of licence)	Band A	-	70.00
1.5		Band B	-	180.00
1.5		Band C	-	295.00

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £
1.5	Band D	-	320.00	320.00
1.5	Band D with multiplier	-	640.00	640.00
1.5	Band E	-	350.00	350.00
1.5	Band E with multiplier	-	1,050.00	1,050.00
1.5	Site under construction/development	-	295.00	295.00
1.5	Exempt	-	-	-
1.5	Capacity: 5,000–9,999	-	500.00	500.00
1.5	Capacity: 10,000–14,999	-	1,000.00	1,000.00
1.5	Capacity: 15,000–19,999	-	2,000.00	2,000.00
1.5	Capacity: 20,000–29,999	-	4,000.00	4,000.00
1.5	Capacity: 30,000–39,999	-	8,000.00	8,000.00
1.5	Capacity: 40,000–49,999	-	12,000.00	12,000.00
1.5	Capacity: 50,000–59,999	-	16,000.00	16,000.00
1.5	Capacity: 60,000–69,999	-	20,000.00	20,000.00
1.5	Capacity: 70,000–79,999	-	24,000.00	24,000.00
1.5	Capacity: 80,000–89,999	-	28,000.00	28,000.00
1.5	Capacity: 90,000+	-	32,000.00	32,000.00
<b>1.6 (Alcohol, Entertainment, etc – Temporary Event Notices)</b>				
1.6	Temporary event notice (standard) - submission fee	21.00	-	21.00
1.6	Temporary event notice (late) - submission fee	21.00	-	21.00
1.6	Duplicate copy of notice following theft/loss/damage	10.50	-	10.50
<b>1.7 (Alcohol, Entertainment, etc - Miscellaneous)</b>				
1.7	Application for provisional statement	315.00	-	315.00
1.7	Notification of legal/financial interest in premises	21.00	-	21.00
<b>2.1 (Animals – Boarding of dogs and cats)</b>				
2.1	Application for new animal boarding establishment licence, except franchises (kennels/home boarding/day care)(up to 3 yrs)	540.00	170.00	710.00
2.1	Application to renew animal boarding establishment licence, except franchises (kennels/home boarding/day care)(up to 3 yrs)	290.00	170.00	460.00
2.1	Application for new animal boarding establishment licence as a franchise.	440.00 (+ inspection fee per	170.00	610.00 (+ inspection fee per additional premises)

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £
		additional premises)		
2.1	Application to renew animal boarding establishment licence as a franchise.	192.00 (+inspection fee per additional premises)	170.00	362.00 (+ inspection fee per additional premises)
2.1	Application to vary animal boarding establishment licence (kennels/home boarding/day care) except franchises	115.00 (+inspection if required)	120.00	235.00 (+inspection if required)
2.1	Application to vary animal boarding establishment licence for a franchise to add premises	120.00 (+inspection per premises)	70.00	190.00 (+inspection per premises)
2.1	Application to vary to reduce licensable activities or numbers of animals (Kennels/home boarding/day care)	35.00	-	35.00
2.1	Re-evaluation of star rating (Kennels/home boarding/day care)	35.00 (+inspection if required)	-	35.00 (+for inspection if required)
2.1	Application to vary an animal boarding establishment (administrative matters only)	35.00	0.00	35.00
2.1	Veterinary inspection of premises *	Recharged at cost		
2.1	Qualified officer inspection of premises (when for renewal)	100.00		
<b>2.2 (Animals – Dangerous Wild Animals)</b>				
2.2	Application for licence to keep dangerous wild animals (2yr) <i>plus vet inspection</i>	145.00	65.00	210.00
2.2	Application to renew licence to keep dangerous wild animals (2yr) <i>plus vet inspection</i>	145.00	65.00	210.00
2.2	Application to vary licence conditions (new species/increased numbers of animals)	95.00	20.00	115.00
2.2	Application to vary licence conditions (administrative matters only)	35.00	-	35.00
2.2	Veterinary inspection of premises *	Recharged at cost		
<b>2.3 (Animals – Breeding of dogs)</b>				
2.3	Application for new dog breeding licence (up to 3 yrs) <i>plus vet inspection</i>	550.00	165.00	715.00 (+ vet inspection fees)
2.3	Application to renew dog breeding licence (up to 3 yrs) <i>plus vet inspection</i>	310.00	165.00	475.00 (+ inspection fees)
2.3	Application to vary a dog breeding licence <i>Plus inspection if required</i>	65.00	50.00	115.00(+ inspection fees)
2.3	Re-evaluation of Star Rating – Breeding Licence <i>Plus inspection if required</i>	35.00	0.00	35.00 (+ inspection fees)
2.3	Application to vary a dog breeding licence <i>Plus inspection if required</i>	35.00	0.00	35.00

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £
	(administrative matters only)			
2.3	Veterinary inspection of premises *			Recharged at cost
2.3	Qualified officer inspection of premises (when for renewal)			100.00
<b>2.4 (Animals – Selling animals as pets)</b>				
2.4	Application for new pet shop licence (up to 3 yrs)	540.00	170.00	710.00
2.4	Application to renew pet shop licence (up to 3 yrs)	290.00	170.00	460.00
2.4	Application to vary pet shop licence	150.00 (+inspection if required)	70.00	220.00 (+inspection if required)
2.4	Application to vary to reduce licensable activities or numbers of animals – pet shops	35.00	-	35.00
2.4	Application to vary licence (administrative matters only)	35.00		35.00
2.4	Re-evaluation of star rating – pet shops	35.00 (+inspection if required)	-	35.00 (+inspection if required)
2.4	Veterinary inspection of premises *			Recharged at cost
2.4	Qualified officer inspection of premises (when for renewal)			100.00
<b>2.5 (Animals – Hiring of horses)</b>				
2.5	Application for hiring of horses (up to 3 yrs)	425.00	165.00	590.00 (+ vets fees)
	<i>plus vet inspection on application &amp; annually throughout licence duration)</i>			
2.5	Application to renew licence for hiring of horses (up to 3 yrs)	215.00	165.00	380.00 (+ vets fees)
	<i>plus vet inspection on application &amp; annually throughout licence duration)</i>			
2.5	Application to vary licence for hiring of horses	65.00 (+ inspection if required)	50.00	115.00 (+ inspection if required)
2.5	Application to vary to reduce licensable activities or numbers of animals – hiring of horses	35.00	-	35.00
2.5	Re-evaluation of star rating – hiring of horses	35.00 (+ inspection if required)	-	35.00 (+ inspection if required)
2.5	Application to vary licence (administrative matters only)	35.00	-	35.00
2.5	Veterinary inspection of premises *			Recharged at cost
2.5	Qualified officer inspection of premises (when for renewal)			100.00

Cat	Item	APPLICATIO N fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £
<b>2.6 (Animals – Zoos)</b>				
2.6	Application for new zoo licence (4yr) <i>plus vet inspection</i>	1780.00	320.00	2100.00
2.6	Application to renew zoo licence (6yr) <i>plus vet inspection</i>	1180.00	320.00	1500.00
2.6	Application to vary licence <i>plus vet inspection</i>	1780.00	320.00	2100.00
2.6	Application to transfer zoo licence <i>plus vet inspection</i>	220.00	45.00	265.00
<b>2.7 Animals – Keeping or training animals for exhibition</b>				
2.7	Application to keep or train animals for exhibition (default 3yrs only)	315.00	155.00	470.00
2.7	Application to renew licence to keep or train animals for exhibition (default 3yrs only)	220.00	155.00	375.00
2.7	Application to vary licence to reduce licensable activities or numbers of animals	35.00	-	35.00
2.7	Application to vary licence to keep or train animals for exhibition (administrative matters only)	35.00	-	35.00
2.7	Application to vary licence to keep or train animals for exhibition	155.00 (+inspection if required)	60.00	215.00 (+inspection if required)
2.7	Qualified officer inspection of premises (when for renewal)	100.00		
<b>2.8 General provisions</b>				
2.8	Boarding of dogs and cats Selling Animals as pets Breeding dogs Hiring of horses Keeping or training animals for exhibition	Combined activities: Equal to highest activity fee		
<b>3.1 (Betting, Gambling, etc – Lotteries)</b>				
3.1	Registration of society for small society lotteries	-	40.00	40.00
3.1	Annual fee (payable on anniversary of registration)	-	20.00	20.00
<b>3.2 (Betting, Gambling, etc – Notices)</b>				
3.2	Temporary use notice submission fee	410.00	-	410.00
3.2	Duplicate copy of temporary use notice following theft/loss/damage	20.00	-	20.00
3.2	Occasional use notice submission fee	-	-	-
<b>3.3 (Betting, Gambling, etc – Permits)</b>				
3.3	Notification of 1-2 gaming machine in alcohol-licensed premises	50.00	-	50.00
3.3	Application for new permit	150.00	-	150.00
3.3	Licensed premises gaming machine permit Application for variation of permit	100.00	-	100.00
3.3	Application for transfer of permit	25.00	-	25.00
3.3	Change of name or address	25.00	-	25.00

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £	
3.3	Replacement - theft/loss	15.00	-	15.00	
3.3	Annual fee *	-	50.00	50.00	
3.3	Application for new permit (standard)	200.00	-	200.00	
3.3	Application for new permit (fast track)	100.00	-	100.00	
3.3	Application for variation of permit	100.00	-	100.00	
3.3	Application for renewal of permit (standard)	200.00	-	200.00	
3.3	Application for renewal of permit (fast track)	100.00	-	100.00	
3.3	Replacement - theft/loss	15.00	-	15.00	
3.3	Annual fee *	-	50.00	50.00	
3.3	Application for new permit (standard)	200.00	-	200.00	
3.3	Application for new permit (fast track)	100.00	-	100.00	
3.3	Application for variation of permit	100.00	-	100.00	
3.3	Application for renewal of permit (standard)	200.00	-	200.00	
3.3	Application for renewal of permit (fast track)	100.00	-	100.00	
3.3	Replacement - theft/loss	15.00	-	15.00	
3.3	Annual fee *	-	50.00	50.00	
3.3	Application for new permit	300.00	-	300.00	
3.3	Application for renewal of permit	300.00	-	300.00	
3.3	Change of name or address	25.00	-	25.00	
3.3	Replacement - theft/loss	15.00	-	15.00	
3.3	Application for new permit	300.00	-	300.00	
3.3	Application for renewal of permit	300.00	-	300.00	
3.3	Change of name or address	25.00	-	25.00	
3.3	Replacement - theft/loss	15.00	-	15.00	
<b>3.4 (Betting, Gambling, etc – Premises Licences – Applications)</b>					
3.4	Application for new premises licence (without provisional statement)	Adult gaming centre	1345.00	-	1345.00
3.4		Betting (track)	1345.00	-	1345.00
3.4		Betting (other)	1345.00	-	1345.00
3.4		Bingo	1345.00	-	1345.00

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £	
3.4	Family entertainment centre	1345.00	-	1345.00	
3.4	Adult gaming centre	925.00	-	925.00	
3.4	Betting (track)	925.00	-	925.00	
3.4	Betting (other)	925.00	-	925.00	
3.4	Bingo	925.00	-	925.00	
3.4	Family entertainment centre	925.00	-	925.00	
3.4	Adult gaming centre	1345.00	-	1345.00	
3.4	Betting (track)	1345.00	-	1345.00	
3.4	Betting (other)	1345.00	-	1345.00	
3.4	Bingo	1345.00	-	1345.00	
3.4	Family entertainment centre	1345.00	-	1345.00	
3.4	Adult gaming centre	925.00	-	925.00	
3.4	Betting (track)	925.00	-	925.00	
3.4	Betting (other)	925.00	-	925.00	
3.4	Bingo	925.00	-	925.00	
3.4	Family entertainment centre	925.00	-	925.00	
3.4	Adult gaming centre	390.00	-	390.00	
3.4	Betting (track)	390.00	-	390.00	
3.4	Betting (other)	390.00	-	390.00	
3.4	Bingo	390.00	-	390.00	
3.4	Family entertainment centre	390.00	-	390.00	
3.4	Adult gaming centre	390.00	-	390.00	
3.4	Betting (track)	390.00	-	390.00	
3.4	Betting (other)	390.00	-	390.00	
3.4	Bingo	390.00	-	390.00	
3.4	Family entertainment centre	390.00	-	390.00	
3.4	Duplicate copy of licence following theft/loss/damage	20.00	-	20.00	
3.4	Change of name or address on premises licence	45.00	-	45.00	
<b>3.5 (Betting, Gambling, etc - Premises Licences – Annual Fees)</b>					
3.5	Annual fee (payable 30 days after the licence takes effect, and then	Adult gaming centre	-	590.00	590.00
3.5		Betting (track)	-	590.00	590.00



Cat	Item	APPLICATIO N fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £	
3.5	annually on the anniversary of the grant of the licence)	Betting (other)	-	590.00	590.00
3.5		Bingo	-	590.00	590.00
3.5		Family entertainment centre	-	590.00	590.00
<b>4.1 (Charity Collections – Street Collections)</b>					
4.1	Application for street collection licence		-	-	-
<b>4.2 (Charity Collections – House-to-House Collections)</b>					
4.2	Application for house to house collection licence		-	-	-
<b>5.1 (Hypnotism)</b>					
5.1	Hypnotism authorisation		-	-	-
<b>6.1. Pavement Licensing</b>					
6.1	Application for new pavement licence		390.00	-	390.00
6.1	Application for renewal of pavement licence		195.00	-	195.00
<b>7.1 (Scrap Metal Dealers)</b>					
7.1	Application for new scrap metal site licence		290.00	70.00	360.00
7.1	Application for new scrap metal collectors licence		230.00	35.00	265.00
7.1	Application to renew scrap metal site licence		275.00	70.00	345.00
7.1	Application to renew scrap metal collectors licence		210.00	35.00	245.00
7.1	Application to vary scrap metal licence - change of licensee details		20.00	1.00	21.00
7.1	Application to vary scrap metal licence - change of licensed sites		100.00	1.00	101.00
7.1	Application to vary scrap metal licence - change of site managers		60.00	1.00	61.00
7.1	Application to vary scrap metal licence - site to collectors licence		35.00	1.00	36.00
7.1	Application to vary scrap metal licence - collectors to site licence		130.00	45.00	175.00
<b>8.1 (Sex Establishments)</b>					
8.1	Application for new sex establishment licence		2130.00	285.00	2415.00
8.1	Application for renewal of sex establishment licence		1635.00	285.00	1920.00
8.1	Application for variation of sex establishment licence		925.00	130.00	1055.00
8.1	Application for transfer of sex establishment licence		485.00	-	485.00
<b>9.1 (Skin Piercing, etc)</b>					
9.1	Application for registration of skin piercing premises		280.00	-	280.00
9.1	Application for registration of skin piercing operator		130.00	-	130.00
<b>10.1 (Street Trading)</b>					
10.1	Street trading consent (annual)	New (1 vehicle/pitch, 1 year)	475.00	290.00	765.00

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £	
10.1	Renewal (1 vehicle/pitch, 1 year)	475.00	290.00	765.00	
10.1	Additional fee per extra vehicle/pitch	40.00	45.00	85.00	
10.1	Interim substitution of vehicle	30.00	-	30.00	
10.1	Other consent variation	170.00	-	170.00	
10.1	Street trading consent partial year (up to 6 months)	255.00	150.00	405.00	
10.1	Street trading consent (single event)	185.00	-	185.00	
10.1	Community/charity event	35.00	-	35.00	
<b>11.1 (Taxis and Private Hire - Drivers)</b>					
11.1	Hackney Carriage Drivers Licence (3 years)	New	-	325.00	325.00
11.1		Renewal	-	255.00	255.00
11.1		Theft/loss of badge	25.00	-	25.00
11.1	Private Hire Drivers Licence (3 years)	New	-	325.00	325.00
11.1		Renewal	-	255.00	255.00
11.1		Theft/loss of badge	25.00	-	25.00
11.1	Dual HC/PH Drivers Licence (3 years)	New	-	360.00	360.00
11.1		Renewal	-	295.00	295.00
11.1		Renewal & Upgrade	-	280.00	280.00
11.1		Interim Upgrade (+£1 / unexpired month)	-	85.00	85.00
11.1		Theft/loss of badge (per)	25.00	-	25.00
11.1	Disclosure & Barring Service (DBS) enhanced disclosure *	Recharged at cost (currently, 59.00) + £15 admin £74			
11.1	External identity check (where required for DBS route 2 verification) *	Recharged at cost (current 7.20)			
<b>11.2 (Taxis and Private Hire – Driver Knowledge Tests)</b>					
11.2	Hackney carriage written local/legal test	Full test	90.00	90.00	
11.2		Conditions only	50.00	50.00	
11.2	Private hire written local/legal test	Full test	90.00	90.00	
11.2		Conditions only	50.00	50.00	

Cat	Item	APPLICATIO N fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £		
11. 2	Dual HC/PH driver written local/legal test	Full test	90.00	90.00		
11. 2		Conditions only	50.00	50.00		
11. 2	Versant English language assessment	Test fee *	Recharged at cost (currently 31.80)			
11. 2		Administration fee	15.00	15.00		
11. 2		Total fee payable	46.80	-	46.80	
<b>11.3 (Taxis and Private Hire – Vehicles) (in effect from 2 April 2021)</b>						
11. 3	Hackney carriage vehicle licence (exclude s compliance test fee)	New (1 year)	-	430.00	430.00	
11. 3		Renewal (1 year)	-	315.00	315.00	
11. 3		Renewal & substitution (1 yr)	-	315.00	315.00	
11. 3		Interim substitution	-	150.00	150.00	
11. 3		Transfer of ownership	-	75.00	75.00	
11. 3		Theft/loss of rear plate	25.00	-	25.00	
11. 3		Theft/loss of front plate	25.00	-	25.00	
11. 3		Change of vehicle particulars	65.00	-	65.00	
11. 3		Private hire vehicle licence (exclude s compliance test fee)	New (1 year)	-	285.00	285.00
11. 3			Renewal (1 year)	-	285.00	285.00
11. 3	Renewal & substitution (1 yr)		-	290.00	290.00	
11. 3	Interim substitution		-	150.00	150.00	
11. 3	Transfer of ownership		-	75.00	75.00	
11. 3	Theft/loss of rear plate		25.00	-	25.00	
11. 3	Theft/loss of front plate		25.00	-	25.00	
11. 3	Change of vehicle particulars	65.00	-	65.00		
11. 3	Vehicle MOT and compliance test * (payable direct to test station)	Recharged at cost (currently 52.00)				
11. 3	Specialist vehicle MOT and compliance test (stretch limos)	Recharged at cost				
<b>11.4 (Taxis and Private Hire – Operators) (in effect from 2 April 2021)</b>						
11. 4	Private hire operator licence (5 years)	New (0-3 vehicles)	-	515.00	515.00	
11. 4		New (4+ vehicles)	-	865.00	865.00	
11. 4		Renewal (1-3 vehicles)	-	515.00	515.00	
11. 4		Renewal (4+ vehicles)	-	865.00	865.00	

Cat	Item	APPLICATION fee 2024 -25 £	LICENCE fee 2024 -25 £	TOTAL fee 2024 -25 £
<b>11.5 (Taxis and Private Hire – Miscellaneous)</b>				
11.5	Duplicate copy of licence following theft/loss/damage	20.00	-	20.00
11.5	Replacement internal vehicle licence plate holder	3.00 (inc. VAT)	-	3.00 (inc. VAT)
<b>12.1 Mobile Home Sites Licences</b>				
12.1	New licence	513.70 + 8.69 per unit		513.70 + 8.69 per unit
12.1	Annual fee	52.00 + 8.74 per unit		52.00 + 8.74 per unit
12.1	Variation	£209.00 + 103.40 if site visit required		£209.00 + 103.40 if site visit required
12.1	Transfer	£209.00 + 103.40 if site visit required		£209.00 + 103.40 if site visit required
12.1	Site Rules Deposit	89.10		89.10
<b>13.1 (Miscellaneous Licensing Fees)</b>				
13.1	Photocopies (per A4 side, at officers discretion, subject to legal restrictions)	0.25	-	0.25
13.1	Additional copies of PACE interview recording (per tape/disc)	20.00	-	20.00
13.1	Copy of public register entry (where kept and made available by statute) (per entry)	20.00	-	20.00
13.1	Duplicate copy of licence following loss/theft/damage (where not otherwise listed)	20.00	-	20.00
13.1	Licensing pre-application advice (per whole or part hour)	55.00	-	55.00

**Annex C**  
**Fees proposals for financial year 2025-26**

		24/25 Charge	2025/26 Proposed Charge			
			Application	Licence	Total fee	% change
<b>Alcohol, entertainment and late night refreshment licences</b>						
<b>Club premises certificates – applications</b>						
Application for new club premises certificate	Band A	100.00	100.00	-	100.00	0.0%
	Band B	190.00	190.00	-	190.00	0.0%
	Band C	315.00	315.00	-	315.00	0.0%
	Band D	450.00	450.00	-	450.00	0.0%
	Band E	635.00	635.00	-	635.00	0.0%
	Site under construction/development	315.00	315.00	-	315.00	0.0%
Application for full variation of club premises certificate	Band A	100.00	100.00	-	100.00	0.0%
	Band B	190.00	190.00	-	190.00	0.0%
	Band C	315.00	315.00	-	315.00	0.0%
	Band D	450.00	450.00	-	450.00	0.0%
	Band E	635.00	635.00	-	635.00	0.0%
	Site under construction/development	315.00	315.00	-	315.00	0.0%
Application for minor variation of club premises certificate		89.00	89.00	-	89.00	0.0%
Request for duplicate copy of certificate following loss/theft/damage		10.50	10.50	-	10.50	0.0%
Change of name or address on club premises certificate		10.50	10.50	-	10.50	0.0%
Change of club rules		10.50	10.50	-	10.50	0.0%
<b>Club premises certificates – annual fees</b>						
Annual fee (payable on anniversary of grant of certificate)	Band A	70.00	-	70.00	70.00	0.0%
	Band B	180.00	-	180.00	180.00	0.0%
	Band C	295.00	-	295.00	295.00	0.0%
	Band D	320.00	-	320.00	320.00	0.0%
	Band E	350.00	-	350.00	350.00	0.0%
	Site under construction/development	295.00	-	295.00	295.00	0.0%
<b>Personal licences</b>						
Application for new personal licence		37.00	37.00	-	37.00	0.0%

Duplicate copy of licence following theft/loss/damage	10.50	10.50	-	10.50	0.0%	
Change of name or address	10.50	10.50	-	10.50	0.0%	
<b>Premises licences – applications</b>						
Application for new premises licence	Band A	100.00	100.00	-	100.00	0.0%
	Band B	190.00	190.00	-	190.00	0.0%
	Band C	315.00	315.00	-	315.00	0.0%
	Band D	450.00	450.00	-	450.00	0.0%
	Band D with multiplier	900.00	900.00	-	900.00	0.0%
	Band E	635.00	635.00	-	635.00	0.0%
	Band E with multiplier	1,905.00	1,905.00	-	1,905.00	0.0%
	Site under construction/development	315.00	315.00	-	315.00	0.0%
	Exempt	No fee	No fee	No fee	No fee	0.0%
Application for full variation of premises licence	Band A	100.00	100.00	-	100.00	0.0%
	Band B	190.00	190.00	-	190.00	0.0%
	Band C	315.00	315.00	-	315.00	0.0%
	Band D	450.00	450.00	-	450.00	0.0%
	Band D with multiplier	900.00	900.00	-	900.00	0.0%
	Band E	635.00	635.00	-	635.00	0.0%
	Band E with multiplier	1,905.00	1,905.00	-	1,905.00	0.0%
	Site under construction/development	315.00	315.00	-	315.00	0.0%
	Exempt	No fee	No fee	No fee	No fee	0.0%
Additional application fee for high-capacity premises (payable in addition to the standard application fee)	Capacity: 5,000–9,999	1,000.00	1,000.00	-	1,000.00	0.0%
	Capacity: 10,000–14,999	2,000.00	2,000.00	-	2,000.00	0.0%
	Capacity: 15,000–19,999	4,000.00	4,000.00	-	4,000.00	0.0%
	Capacity: 20,000–29,999	8,000.00	8,000.00	-	8,000.00	0.0%
	Capacity: 30,000–39,999	12,000.00	12,000.00	-	12,000.00	0.0%
	Capacity: 40,000–49,999	16,000.00	16,000.00	-	16,000.00	0.0%
	Capacity: 50,000–59,999	20,000.00	20,000.00	-	20,000.00	0.0%
	Capacity: 60,000–69,999	24,000.00	24,000.00	-	24,000.00	0.0%
	Capacity: 70,000–79,999	28,000.00	28,000.00	-	28,000.00	0.0%

	Capacity: 80,000–89,999	32,000.00	32,000.00	-	32,000.00	0.0%
	Capacity: 90,000+	64,000.00	64,000.00	-	64,000.00	0.0%
Application for transfer of premises licence		23.00	23.00	-	23.00	0.0%
Application for variation of premises licence to specify premises supervisor		23.00	23.00	-	23.00	0.0%
Application for minor variation of premises licence		89.00	89.00	-	89.00	0.0%
Application to substitute mandatory condition for community premises (if not made simultaneously with another application)		23.00	23.00	-	23.00	0.0%
Application for interim authority notice		23.00	23.00	-	23.00	0.0%
Request for duplicate copy of premises licence following loss/theft/damage		10.50	10.50	-	10.50	0.0%
Change of name or address on premises licence		10.50	10.50	-	10.50	0.0%
<b>Premises licences – annual fees</b>						
Annual fee (payable on anniversary of grant of licence)	Band A	70.00	-	70.00	70.00	0.0%
	Band B	180.00	-	180.00	180.00	0.0%
	Band C	295.00	-	295.00	295.00	0.0%
	Band D	320.00	-	320.00	320.00	0.0%
	Band D with multiplier	640.00	-	640.00	640.00	0.0%
	Band E	350.00	-	350.00	350.00	0.0%
	Band E with multiplier	1,050.00	-	1,050.00	1,050.00	0.0%
	Site under construction/development	295.00	-	295.00	295.00	0.0%
	Exempt	No fee	No fee	No fee	No fee	0.0%
Additional annual fee for high-capacity premises (payable in addition to the standard annual fee)	Capacity: 5,000–9,999	500.00	-	500.00	500.00	0.0%
	Capacity: 10,000–14,999	1,000.00	-	1,000.00	1,000.00	0.0%
	Capacity: 15,000–19,999	2,000.00	-	2,000.00	2,000.00	0.0%
	Capacity: 20,000–29,999	4,000.00	-	4,000.00	4,000.00	0.0%
	Capacity: 30,000–39,999	8,000.00	-	8,000.00	8,000.00	0.0%
	Capacity: 40,000–49,999	12,000.00	-	12,000.00	12,000.00	0.0%
	Capacity: 50,000–59,999	16,000.00	-	16,000.00	16,000.00	0.0%

	Capacity: 60,000–69,999	20,000.00	-	20,000.0 0	20,000.0 0	0.0%
	Capacity: 70,000–79,999	24,000.00	-	24,000.0 0	24,000.0 0	0.0%
	Capacity: 80,000–89,999	28,000.00	-	28,000.0 0	28,000.0 0	0.0%
	Capacity: 90,000+	32,000.00	-	32,000.0 0	32,000.0 0	0.0%
<b>Temporary event notices</b>						
Temporary event notice (standard) - submission fee		21.00	21.00	-	21.00	0.0%
Temporary event notice (late) - submission fee		21.00	21.00	-	21.00	0.0%
Duplicate copy of notice following theft/loss/damage		10.50	10.50	-	10.50	0.0%
<b>Miscellaneous</b>						
Application for provisional statement		315.00	315.00	-	315.00	0.0%
Notification of legal/financial interest in premises		21.00	21.00	-	21.00	0.0%
<b>Animal licences</b>						
*Where licences for multiple animal activities are issued under The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018, the fees will be equivalent to the higher cost activity.						
<b>Animal boarding establishments</b>						
Application for new animal boarding establishment licence (up to 3yrs)		710.00	545.00	185.00	730.00	2.8%
Application to renew animal boarding establishment licence (3yrs)		460.00	355.00	115.00	470.00	2.2%
Application for a new animal boarding establishment Franchise		610.00	445.00	185.00	630.00	3.3%
Application to renew a franchise		362.00	280.00	90.00	370.00	2.8%
Application to vary animal boarding establishment licence (Qualified officer inspection may be required)		235.00	160.00	80.00	240.00	2.1%
Application to vary a franchise to add premises (Qualified officer inspection will be required for each additional premises)		190.00	194.00	-	194.00	2.1%
Application to vary to reduce numbers or types of animals or activities.		35.00	36.00	-	36.00	2.9%
Re-evaluation of star rating (Qualified officer inspection may be required)		35.00	36.00	-	36.00	2.9%



Application to vary animal boarding establishment licence (administrative matters only)	35.00	36.00	-	36.00	2.9%
Qualified officer inspection (where required)	100.00	102.00			2.0%
Veterinary inspection of premises * (where required)	Recharged at cost				
<b>Dangerous wild animals</b>					
Application for licence to keep dangerous wild animals (2yr) (plus cost of vet inspection)	210.00	150.00	60.00	210.00	0.0%
Application to renew licence to keep dangerous wild animals (2yr) (plus cost of vet inspection)	210.00	150.00	60.00	210.00	0.0%
Application to vary licence conditions (new species/increased numbers of animals)	115.00	95.00	25.00	120.00	4.3%
Application to vary licence conditions (administrative matters only)	35.00	36.00	-	36.00	2.9%
Veterinary inspection of premises *	Recharged at cost				
<b>Dog breeding establishments</b>					
Application for new dog breeding licence (plus cost of vet inspection) (up to 3 yrs)	715.00	510.00	225.00	735.00	2.8%
Application to renew dog breeding licence (plus cost of vet inspection) (up to 3 yrs)	475.00	370.00	115.00	485.00	2.1%
Application to vary a dog breeding establishment (inspection may be required)	115.00	65.00	55.00	120.00	4.3%
Re-evaluation of star rating (inspection may be required)	35.00	36.00	-	36.00	2.9%
Application to vary licence (administrative matters only)	35.00	36.00	-	36.00	2.9%
Qualified officer inspection (where required)	100.00	102.00			2.0%
Veterinary inspection of premises *	Recharged at cost				
<b>Pet shops</b>					
Application for new pet shop licence (up to 3yrs)	710.00	515.00	200.00	715.00	0.7%
Application to renew pet shop licence (up to 3yrs)	460.00	380.00	90.00	470.00	2.2%
Application to vary a pet shop licence (Qualified officer inspection may be required)	220.00	180.00	45.00	225.00	2.3%

Application to vary a pet shop licence - reduce animals	35.00	36.00	-	36.00	2.9%
Re-evaluation of star rating (Qualified officer inspection may be required)	35.00	36.00	-	36.00	2.9%
Application to vary licence (administrative matters only)	35.00	36.00	-	36.00	2.9%
Qualified officer inspection (where required)	100.00	102.00			2.0%
Veterinary inspection of premises * (where required)	Recharged at cost				
<b>Riding establishments</b>					
Application for new riding establishment licence (plus cost of vet inspection)	590.00	485.00	115.00	600.00	1.7%
Application to renew riding establishment licence (plus cost of vet inspection)	380.00	300.00	90.00	390.00	2.6%
Application to vary a riding establishment licence (Inspection may be required)	115.00	51.00	67.00	118.00	2.6%
Application to vary - to reduce licensable activities or numbers of animals	35.00	36.00	-	36.00	2.9%
Re-evaluation of star rating (Inspection may be required)	35.00	36.00	-	36.00	2.9%
Application to vary licence (administrative matters only)	35.00	36.00	-	36.00	2.9%
Qualified officer inspection (where required)	100.00	102.00			2.0%
Veterinary inspection of premises *	Recharged at cost				
<b>Keeping of Exhibition/Performing Animals</b>					
Application for a new licence for keeping exhibition/performing animals	470.00	321.00	158.00	479.00	2.0%
Application for to renew licence for keeping exhibition/performing animals	375.00	225.00	158.00	383.00	2.0%
Application to vary licence to keep or train animals for exhibition (Qualified officer inspection may be required)	215.00	158.00	61.00	219.00	2.0%
Application to vary a licence for keeping exhibition/performing animals to reduce licensable activities or number of animal	35.00	36.00	-	36.00	2.9%
Application to vary licence (administrative matters only)	35.00	36.00	-	36.00	2.9%
Qualified officer inspection (where required)	100.00	102.00			2.0%

Veterinary inspection of premises * (where required)		Recharged at cost				
<b>Zoos</b>						
Application for new zoo licence (4yr) (plus cost of vet inspection)		2,100.00	1,795.00	330.00	2,125.00	1.2%
Application to renew zoo licence (6yr) (plus cost of vet inspection)		1,500.00	1,195.00	330.00	1,525.00	1.7%
Application to vary zoo licence (plus cost of vet inspection)		2,100.00	1,795.00	330.00	2,125.00	1.2%
Application to transfer zoo licence (plus cost of vet inspection)		265.00	225.00	45.00	270.00	1.9%
Veterinary inspection of premises *		Recharged at cost				
<b>Betting, gambling and lottery licences</b>						
<b>Lottery registrations</b>						
Registration of society for small society lotteries		40.00	-	40.00	40.00	0.0%
Annual fee (payable on anniversary of registration)		20.00	-	20.00	20.00	0.0%
<b>Notices</b>						
Temporary use notice submission fee		410.00	415.00	-	415.00	1.2%
Duplicate copy of temporary use notice following theft/loss/damage		20.00	20.00	-	20.00	0.0%
Occasional use notice submission fee		No fee	No fee	No fee	No fee	0.0%
<b>Permits</b>						
Notification of 1-2 gaming machine in alcohol-licensed premises		50.00	50.00	-	50.00	0.0%
Licensed premises gaming machine permit	Application for new permit	150.00	150.00	-	150.00	0.0%
	Application for variation of permit	100.00	100.00	-	100.00	0.0%
	Application for transfer of permit	25.00	25.00	-	25.00	0.0%
	Change of name or address	25.00	25.00	-	25.00	0.0%
	Replacement - theft/loss	15.00	15.00	-	15.00	0.0%
	Annual fee	50.00	50.00	-	50.00	0.0%
Club gaming permit	Application for new permit (standard)	200.00	200.00	-	200.00	0.0%

	Application for new permit (fast track)	100.00	100.00	-	100.00	0.0%
	Application for variation of permit	100.00	100.00	-	100.00	0.0%
	Application for renewal of permit (standard)	200.00	200.00	-	200.00	0.0%
	Application for renewal of permit (fast track)	100.00	100.00	-	100.00	0.0%
	Replacement - theft/loss	15.00	15.00	-	15.00	0.0%
	Annual fee	50.00	50.00	-	50.00	0.0%
Club machine permit	Application for new permit (standard)	200.00	200.00	-	200.00	0.0%
	Application for new permit (fast track)	100.00	100.00	-	100.00	0.0%
	Application for variation of permit	100.00	100.00	-	100.00	0.0%
	Application for renewal of permit (standard)	200.00	200.00	-	200.00	0.0%
	Application for renewal of permit (fast track)	100.00	100.00	-	100.00	0.0%
	Replacement - theft/loss	15.00	15.00	-	15.00	0.0%
	Annual fee	50.00	50.00	-	50.00	0.0%
Prize gaming permit	Application for new permit	300.00	300.00	-	300.00	0.0%
	Application for renewal of permit	300.00	300.00	-	300.00	0.0%
	Change of name or address	25.00	25.00	-	25.00	0.0%
	Replacement - theft/loss	15.00	15.00	-	15.00	0.0%
Family entertainment centre gaming machine permit	Application for new permit	300.00	300.00	-	300.00	0.0%
	Application for renewal of permit	300.00	300.00	-	300.00	0.0%

	Change of name or address	25.00	25.00	-	25.00	0.0%
	Replacement - theft/loss	15.00	15.00	-	15.00	0.0%
<b>Premises licences - applications</b>						
Application for new premises licence (without provisional statement)	Adult gaming centre	1,345.00	1,372.00	-	1,372.00	2.0%
	Betting (track)	1,345.00	1,372.00	-	1,372.00	2.0%
	Betting (other)	1,345.00	1,372.00	-	1,372.00	2.0%
	Bingo	1,345.00	1,372.00	-	1,372.00	2.0%
	Family entertainment centre	1,345.00	1,372.00	-	1,372.00	2.0%
Application for new premises licence (with provisional statement)	Adult gaming centre	925.00	945.00	-	945.00	2.2%
	Betting (track)	925.00	945.00	-	945.00	2.2%
	Betting (other)	925.00	945.00	-	945.00	2.2%
	Bingo	925.00	945.00	-	945.00	2.2%
	Family entertainment centre	925.00	945.00	-	945.00	2.2%
Application for provisional statement	Adult gaming centre	1,345.00	1,372.00	-	1,372.00	2.0%
	Betting (track)	1,345.00	1,372.00	-	1,372.00	2.0%
	Betting (other)	1,345.00	1,372.00	-	1,372.00	2.0%
	Bingo	1,345.00	1,372.00	-	1,372.00	2.0%
	Family entertainment centre	1,345.00	1,372.00	-	1,372.00	2.0%
Application for variation of premises licence	Adult gaming centre	925.00	945.00	-	945.00	2.2%
	Betting (track)	925.00	945.00	-	945.00	2.2%
	Betting (other)	925.00	945.00	-	945.00	2.2%
	Bingo	925.00	945.00	-	945.00	2.2%
	Family entertainment centre	925.00	945.00	-	945.00	2.2%
Application for transfer of premises licence	Adult gaming centre	390.00	398.00	-	398.00	2.1%
	Betting (track)	390.00	398.00	-	398.00	2.1%
	Betting (other)	390.00	398.00	-	398.00	2.1%
	Bingo	390.00	398.00	-	398.00	2.1%
	Family entertainment centre	390.00	398.00	-	398.00	2.1%
Application for reinstatement	Adult gaming centre	390.00	398.00	-	398.00	2.1%

of premises licence	Betting (track)	390.00	398.00	-	398.00	2.1%
	Betting (other)	390.00	398.00	-	398.00	2.1%
	Bingo	390.00	398.00	-	398.00	2.1%
	Family entertainment centre	390.00	398.00	-	398.00	2.1%
Duplicate copy of licence following theft/loss/damage		20.00	21.00	-	21.00	5.0%
Change of name or address on premises licence		45.00	46.00	-	46.00	2.2%
<b>Premises licences – annual fees</b>						
Annual fee (payable 30 days after the licence takes effect, and then annually on the anniversary of the grant of the licence)	Adult gaming centre	590.00	-	600.00	600.00	1.7%
	Betting (track)	590.00	-	600.00	600.00	1.7%
	Betting (other)	590.00	-	600.00	600.00	1.7%
	Bingo	590.00	-	600.00	600.00	1.7%
	Family entertainment centre	590.00	-	600.00	600.00	1.7%
<b>Charity collections</b>						
<b>House-to-house collections</b>						
Application for house to house collection licence		No fee	No fee	No fee	No fee	0.0%
<b>Street collections</b>						
Application for street collection licence		No fee	No fee	No fee	No fee	0.0%
<b>Hypnotism</b>						
Authorisation of hypnotism performance		No fee	No fee	No fee	No fee	0.0%
<b>Pavement Licences</b>						
Application for pavement licence		100.00 (amended to £390 July 2024)	400.00	-	400.00	2.6%
Renewal of pavement licence		(set at £195 July 2024)	200.00	-	200.00	2.6%
<b>Scrap metal dealers</b>						
Application for new scrap metal site licence (3yr)		360.00	300.00	70.00	370.00	2.8%
Application for new scrap metal collectors licence (3yr)		265.00	220.00	50.00	270.00	1.9%
Application to renew scrap metal site licence (3yr)		345.00	285.00	70.00	355.00	2.9%
Application to renew scrap metal collectors licence (3yr)		245.00	200.00	50.00	250.00	2.0%

Application to vary scrap metal licence - change of licensee details	21.00	20.00	1.00	21.00	0.0%	
Application to vary scrap metal licence - change of licensed sites	101.00	100.00	1.00	101.00	0.0%	
Application to vary scrap metal licence - change of site managers	61.00	65.00	1.00	66.00	8.2%	
Application to vary scrap metal licence - site to collectors licence	36.00	35.00	1.00	36.00	0.0%	
Application to vary scrap metal licence - collectors to site licence	175.00	125.00	50.00	175.00	0.0%	
<b>Sex establishments</b>						
Application for new sex establishment licence	2,415.00	2,225.00	245.00	2,470.00	2.3%	
Application for renewal of sex establishment licence	1,920.00	1,715.00	255.00	1,970.00	2.6%	
Application for variation of sex establishment licence	1,055.00	970.00	115.00	1,085.00	2.8%	
Application for transfer of sex establishment licence	485.00	510.00	-	510.00	5.2%	
<b>Skin piercing, tattooing, etc.</b>						
Application for registration of skin piercing, etc., premises	280.00	290.00	-	290.00	3.6%	
Application for registration of skin piercing, etc., operator	130.00	130.00	-	130.00	0.0%	
<b>Street trading</b>						
Street trading consent (annual) (1 year)	New (1 vehicle/pitch)	765.00	475.00	300.00	775.00	1.3%
	Renewal (1 vehicle/pitch)	765.00	475.00	300.00	775.00	1.3%
	Additional fee per extra vehicle/pitch	85.00	50.00	40.00	90.00	5.9%
	Interim substitution of vehicle	30.00	31.00	-	31.00	3.3%
	Other consent variation	170.00	174.00	-	174.00	2.4%
Street trading consent (single event)	Commercial event	185.00	189.00	-	189.00	2.2%
	Community/charity event	35.00	36.00	-	36.00	2.9%
Street trading consent partial year (up to 6 months)		405.00	255.00	150.00	405.00	0.0%
<b>Taxis and private hire</b>						
<b>Driver licences</b>						

Hackney Carriage Drivers Licence (3 years) [external e-form/checks]	New	325.00	-	332.00	332.00	2.2%	
	Renewal	255.00	-	260.00	260.00	2.0%	
	Theft/loss of badge	25.00	26.00	-	26.00	4.0%	
Private Hire Drivers Licence (3 years) [external e-form/checks]	New	325.00	-	332.00	332.00	2.2%	
	Renewal	255.00	-	260.00	260.00	2.0%	
	Theft/loss of badge	25.00	26.00	-	26.00	4.0%	
Dual HC/PH Drivers Licence (3 years) [external e-form/checks]	New	360.00	-	368.00	368.00	2.2%	
	Renewal	295.00	-	301.00	301.00	2.0%	
	Renewal & Upgrade	280.00	-	286.00	286.00	2.1%	
	Interim Upgrade (+£1 / unexpired month)	85.00	-	87.00	87.00	2.4%	
	Theft/loss of badge (per)	25.00	26.00	-	26.00	4.0%	
Disclosure & Barring Service (DBS) enhanced disclosure * [in-house]		Recharged at cost + £15 admin		Recharged at cost + £15 admin		0.0%	
External identity check (DBS route 2 verification) * [in-house]		Recharged at cost		Recharged at cost		0.0%	
Driving licence verification check * [in-house]		Recharged at cost		Recharged at cost		0.0%	
<b>Driver knowledge tests</b>							
Hackney carriage written local/legal test	Full test	90.00	92.00	-	92.00	2.2%	
	Conditions only	50.00	51.00	-	51.00	2.0%	
Private hire written local/legal test	Full test	90.00	92.00	-	92.00	2.2%	
	Conditions only	50.00	51.00	-	51.00	2.0%	
Dual HC/PH driver written local/legal test	Full test	90.00	92.00	-	92.00	2.2%	
	Conditions only	50.00	51.00	-	51.00	2.0%	
Versant English language assessment	Test fee *		Recharge at cost		Recharged at cost		0.0%
	Administration fee	15.00	16.00	-	16.00	6.7%	
<b>Operator licences</b>							
Private hire operator licence (5 years)	New (0-3 vehicles)	515.00	-	526.00	526.00	2.1%	
	New (4+ vehicles)	865.00	-	883.00	883.00	2.1%	
	Renewal (1-3 vehicles)	515.00	-	526.00	526.00	2.1%	
	Renewal (4+ vehicles)	865.00	-	883.00	883.00	2.1%	



<b>Vehicle licences</b>						
Hackney carriage vehicle licence (excludes compliance test fee)	New (1 year)	430.00	-	440.00	440.00	2.3%
	Renewal (1 year)	315.00	-	322.00	322.00	2.2%
	Renewal & substitution (1 year)	315.00	-	322.00	322.00	2.2%
	Interim substitution (remaining duration)	150.00	-	153.00	153.00	2.0%
	Transfer of ownership	75.00	-	77.00	77.00	2.7%
	Theft/loss of rear plate	25.00	26.00	-	26.00	4.0%
	Theft/loss of front plate	25.00	26.00	-	26.00	4.0%
	Change of vehicle particulars	65.00	67.00	-	67.00	3.1%
Private hire vehicle licence (excludes compliance test fee)	New (1 year)	285.00	-	291.00	291.00	2.1%
	Renewal (1 year)	285.00	-	291.00	291.00	2.1%
	Renewal & substitution (1 yr.)	290.00	-	296.00	296.00	2.1%
	Interim substitution (remaining duration)	150.00	-	153.00	153.00	2.0%
	Transfer of ownership	75.00	-	77.00	77.00	2.7%
	Theft/loss of rear plate	25.00	26.00	-	26.00	4.0%
	Theft/loss of front plate	25.00	26.00	-	26.00	4.0%
	Change of vehicle particulars	65.00	67.00	-	67.00	3.1%
Vehicle MOT and compliance test * (payable direct to test station)				Driver pays garage directly	0.0%	
Specialist vehicle MOT and compliance test * (stretch limos)				Driver pays garage directly	0.0%	
<b>Other fees</b>						
Duplicate copy of licence following theft/loss/damage	20.00	21.00	-	21.00	5.0%	
Replacement internal vehicle licence plate holder	3.00	3.00	-	3.00	0.0%	
<b>General service charges</b>						

Photocopies (per A4 side, at officers discretion, subject to legal restrictions)	0.25	0.26	-	0.26	2.0%
Copy of interview recording following PACE interview (per tape/disc)	20.00	21.00	-	21.00	5.0%
Copy of public register entry (where kept and made available by statute) (per entry)	20.00	21.00	-	21.00	5.0%
Request for duplicate copy of licence following loss/theft/damage (where not otherwise listed)	20.00	21.00	-	21.00	5.0%
Licensing pre-application advice (per whole or part hour)	55.00	56.10	-	56.10	2.0%





# Mobile Homes Fees Policy



Effective from	1 <sup>st</sup> April 2025
Version no.	3.0
Date reviewed	*****

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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## Duration of the Policy

This policy will remain in force until reviewed.

## 1. Introduction

Dacorum Borough Council has granted Caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The Caravan Sites and Control of Development Act 1960 has now been amended by the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years. This Act introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

There is an expectation that councils inspect sites and the Council intends to do annually; this timescale will be reviewed if it becomes apparent that it is appropriate to do so. The Council can charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The fee generated by the Mobile Homes Act 2013 is not designed to include investigation of harassment or matters not related to the site licence – these should be dealt with through other appropriate channels.

This policy details what will be charged for each function. Current fees are shown in Table 1 in Annex 2. The table will be updated to reflect the current fees agreed by the Council via the Licensing and Health & Safety Committee. Fees will be reviewed annually ahead of each new fiscal year and from time to time as and when the cost of delivering licensing function is considered to have materially changed.

## 2. Fees charged for site licences

The changes introduced by the Mobile Homes Act 2013 for site licensing came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 1960, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend an existing licence

- Annual licence fees for administering and monitoring existing site licences.

The Council has calculated fees in accordance with the provisions of MHA13 which allows a local authority to include all reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

### 3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the Caravan Sites and Control of Development Act 1960); failure to apply for licence is an offence under Section 1(2) of Caravan Sites and Control of Development Act 1960. The Council may only issue a licence for a site with a valid and correct planning permission for the use.

As details of the required planning permission are required as part of a complete application, no application for a site licence will be accepted without this. Sites which have the correct planning permission in place will be processed within 2 months of the licence application.

### 4. Transfer/amendment of existing site licence (including changes to conditions)

Where a licence holder wishes to transfer the licence an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Where a site owner requests an amendment to site licence conditions the Council will charge a fee for this function. Applications can be made at any time by licence holders to vary or cancel conditions, but the fee is payable at the application stage. Whether a site visit will be required as part of any variation will be a decision of the Council and an additional fee will apply when this is the case.

If the Council deem it necessary to alter conditions there will be no fee payable.

### 5. Annual Fees for Site Licences

All relevant protected sites must pay an annual fee to the Council (subject to any exemptions stated in this Policy). The fee is due on 1st April each year, see below for transitional arrangements where annual fees have previously been due in January each calendar year.

Charges are based on estimates from experience associated with the administration responding to enquiries and conducting inspections of sites varying in type and size. The Council is not permitted to make a surplus from this function.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and a follow up visit to ensure compliance with any informal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 6 - Enforcement Action.

The fee is calculated using a standard initial fee which covers aspects of an inspection which are expected to be roughly similar in all cases such as travel time for example, the second part of the fee is established on an individual basis a price per licensed pitch to reflect the variation in cost due to the size of the site.

All sites will be inspected annually as it is recognised that any longer than this could lead to site licence breaches not being identified until a significant amount of time has passed.

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer a balance of transparency and fairness without creating an unnecessarily complicated fee setting process.

### **Annual fees payments**

The fees will be considered annually by the Licensing and Health & Safety Enforcement Committee and will be published by the Council along with all other fees and charges that the Council makes.

### **Sites exempted from Annual Licensing fees**

- Sites that are not relevant protected sites
- Sites for the Site owner and their family (does not include sites that are run for financial gain)
- Gypsy Roma and Traveller Sites

The Council will continue to assess its previous year's costs to determine if they were accurate. If costs are less than predicted for that year, the excess monies will be reflected in the fee charged to the site owner in the next year. In that case the fee to the site owner would be the licence fee for year 2 minus the money not spent from year 1. If insufficient income was received in a year, consideration of this will be given when the fees are set for the following year, and whether to seek to recover the excess costs of regulating the sites.

### **Charging Arrangements**

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/licence holder and payment advice will be sent at the start of the financial year with payment due within 30 days.

Where a new site licence is issued part way through the year, the annual fee will be pro-rata for that year. The calculation will be done using months and will take into account all months and part-months that the licence will cover for the initial year.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee will be calculated on a pro-rata basis for the remainder of the year. The calculation will be done using months and will take into account all months and part-months that the licence will cover for the initial year.

In the event an annual fee is not paid the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due. Following non-payment of the annual fee, the costs of any litigation and collection of the fee, may be re-charged to the site owner. Charges for collection of the annual fee cannot be passed onto the residents pitch fee.

Applications will not be determined if no fee or a lower fee than required is paid.



Fees for new site applications or variation to site licences will not be refunded if the application is refused. However, if an applicant pays more than the required fee, the additional payment will be refunded in all circumstances.

## 6. Enforcement Action

Where there has been a breach in a site licence condition which comes to the attention of the Council we may serve a compliance notice. The Caravan Sites and Control of Development Act 1960 details the elements which a council may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

## 7. Fees for depositing Site rules

Site rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The Mobile Homes Act 2013 changed the way site rules must be agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the Council for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

## 8. Publishing and revising the fee policy

This fees policy and the fees charged is published on the Dacorum Borough Council Licensing website at <http://www.dacorum.gov.uk/home/environment-street-care/licensing/mobile-homes>

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically.

## Annex 1 Elements included in fee setting

The Council following the Department for Communities and Local Government guidance has sets out the following activities that are included in calculating its fees, these include:

- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating document storage and computer systems (including maintenance and upgrade of such systems and the future development e-forms etc)
- updating the website as appropriate;
- processing the licensing fees through BACS, Cheque, e-payment systems
- time for reviewing necessary documents and certificates;
- preparing reports and the holding of committees to determine a licence or the review of policies and conditions of licensing;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- full site inspection and reports;
- any follow up inspection to monitor compliance as necessary

## Annex 2 Fees Table

Fee	Charge
New Site Licence Application Fee	£524.00 + £8.90 per unit
Annual Fee	£53.00 + £8.90 per unit
Deposit/Change of Site Rules	£91.00
Transfer/amendment of a Site Licence	£213.00 (+£106.00 if a site visit is required)
Enforcement	Hourly rate of officers involved, plus any other costs such as legal fees.

## Annex 3 – Contact details

For information on this policy, please contact:

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

Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

Web: [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

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

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)



Report for:	<b>Licensing, Health &amp; Safety and Enforcement Committee</b>
Date of meeting:	<b>10<sup>th</sup> September 2024</b>
PART:	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Review of Gambling Act 2005 Statement of Principles</b>
Contact:	Sally Mcdonald – Licensing Manager, Legal and Democratic Services
Purpose of report:	To advise members of the legal requirement to review/refresh the Council’s Statement of Principles in accordance with the provisions set out in the Gambling Act 2005 and seek authorisation to commence consultation.
Recommendations	That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.
Corporate objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Delivering an efficient and modern council</li> <li>• Building strong and vibrant Communities</li> <li>• Ensuring economic growth and prosperity</li> </ul>
Implications:	<u>Financial / Value for Money / Risk / Health &amp; 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 Statement of Principles 2025-2028 Annex A Dacorum Local Area Profile Annex B <a href="#">Current Statement of Principles 2022-2025</a>
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 (the Act) is one of the major regulatory regimes under which the Council has statutory responsibilities.
- 1.2. The Act requires licensing authorities (district/borough councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them, the principles that they will follow, and their expectations of licensees. The 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 policy in 2021(commencement January 2022) and it is due for review and replacement by January 2025, in order to satisfy the statutory requirements in the Act, which requires that this is done every 3 years.
- 1.4. The most recent update to statutory guidance was in April 2023, but this only consisted of formatting within the document and not changes to content. Therefore, revisions this time are limited to dates, and corrections to figures and hyperlinks if required.
- 1.5. The Committee are asked to approve consultation on the revised policy. The Act specifies a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, and the consultation on the revised policies will be carried out with regard to these requirements, and to the Government's consultation principles.
- 1.6. The final decision to adopt or revise a Gambling Statement of Principles policy under the Act must be made by Full Council. Following consultation, the Committee will be asked to resolve to recommend the adoption of the revised policy (with any additional revisions after considering the consultation responses) by the Council later this year.
- 1.7. The adopted Statement of Principles must be published at least 4 weeks before it comes into effect.

## 2. CHANGES TO STATEMENT OF PRINCIPLES (GAMBLING ACT 2005)

- 2.1. There have not been any significant changes made as part of this review of the Statement of Principles. The Gambling Commission had previously



advised that the Guidance for local authorities was unlikely to be updated in time for local policy statements to be reviewed due to a number of consultations that had been carried out. This remains the case. Once revised guidance has been published these revisions can be included in a refreshed policy statement within the three year timescale.

- 2.2. Currently Hertfordshire County Council is undertaking a review of a piece of work entitled "Hertfordshire Gambling-related Harms Strategy" outlining their approach to tackling problem gambling and the harm it causes to gamblers and others affected by it, and offering prevention and support strategies. The consultation closes on 22<sup>nd</sup> September 2024, and its findings as far as they relate to our policies will be incorporated into the Statement of Principles at its next review.
- 2.3. The full statutory guidance is 198 pages, so has not been included with this report, but is available at [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities), This includes a list of changes that were checked for inclusion in our policy at the time of the 2021 review.
- 2.4. A six week consultation period is proposed, and the results of this consultation will be brought back to the Committee later in the year.
- 2.5. The updated draft Statement of Principles and Local Area Profile are attached as Appendix A.

### **3. RECOMMENDATION**

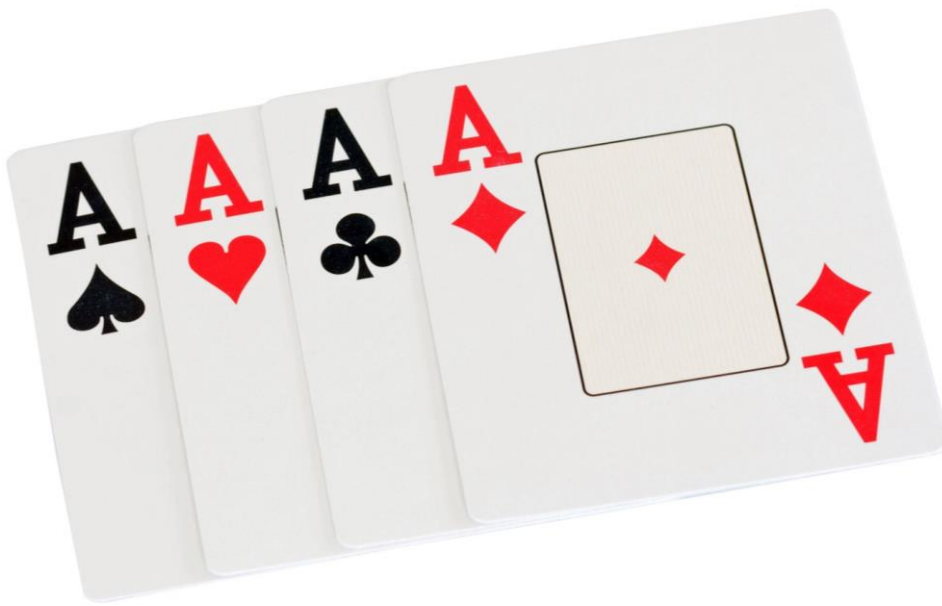
- 3.1. That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.**



# Statement of Principles under the Gambling Act 2005

2025~~2~~ – 2028~~5~~

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Date Published	<u>19 November 2023</u> *****2023
Date effective from	31 January 2025 <del>2</del>
Version no.	26.0
Date of expiry	30 January 2028 <del>5</del>

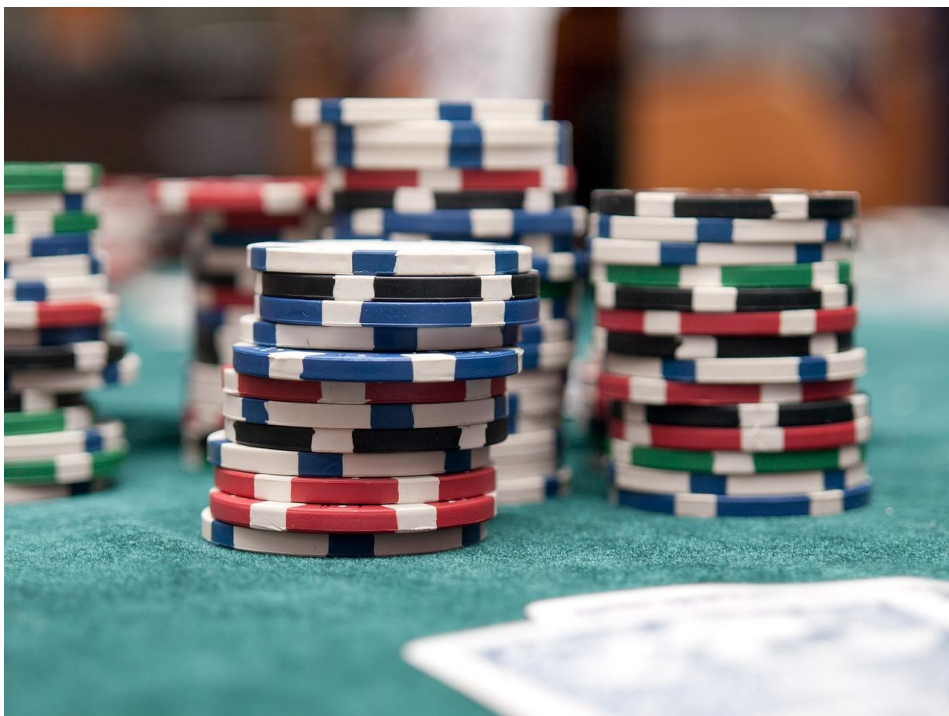
Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper  
Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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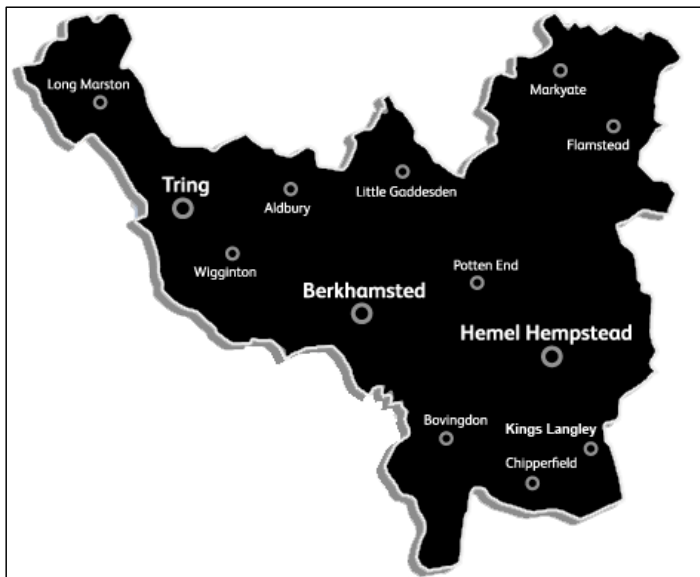
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# Introductory information



## 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 155,442<sup>1</sup>, 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 website<sup>2</sup>.
- 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.

<sup>1</sup> Office of National Statistics, Census 2011 (published July 2012)

<sup>2</sup> [www.dacorum.gov.uk/home/community-living/statistics-about-dacorum](http://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 ~~2022~~<sup>\*\*</sup>, and was published via our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing). The statement will have effect from ~~31 January 2022-2025~~ to ~~30 January 2025~~<sup>2028</sup>. 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 Act<sup>3</sup>.

### 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

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<sup>3</sup><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.

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# 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/~~borough~~ 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.<sup>4</sup>
- 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.

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<sup>4</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~13-11-May-April 2023~~, para 6.38

- 3.8. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership's 'Better Business For All' charter<sup>5</sup>, and we will follow the provisions of the charter when we exercise our regulatory powers in respect of licensable activities.

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<sup>5</sup> <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 nuisance<sup>6</sup>, 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 statement<sup>7</sup> 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

<sup>6</sup> Gambling Commission Guidance to Licensing Authorities, Last updated [13 May 2021](#) [11 April 2023](#), para 5.5

<sup>7</sup> Gambling Commission Guidance to Licensing Authorities, Last updated [13 May 2021](#) [11 April 2023](#), 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 Practice<sup>8</sup>), 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.”<sup>9</sup> 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.

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

<sup>9</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~13 May 2021~~ 11 April 2023, 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:<sup>10</sup>

- 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:<sup>11</sup>

- 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.

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<sup>10</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~13-11 May 2023~~<sup>14</sup>, para 8.12

<sup>11</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~11 April 2023~~<sup>13</sup> ~~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 or other alternate means), 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](mailto: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.

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## 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 Guidance<sup>12</sup> 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](http://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 partnerships<sup>13</sup>, 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.

<sup>12</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~13 May 2021~~ 11 April 2023, part 36

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

## 10. Gaming machines

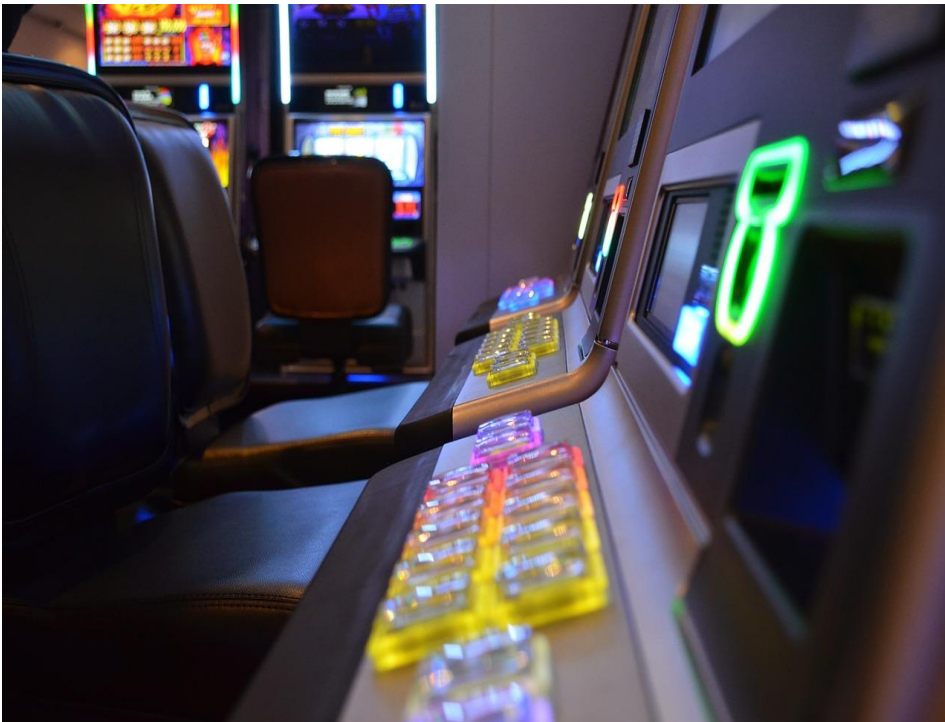
- 10.1. Within both the gambling legislation and this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- 10.2. Gaming machines are categorised according to the nature of their operation, the maximum charge 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](http://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'<sup>14</sup>, 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

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<sup>14</sup> Gambling Commission Guidance to Licensing Authorities, Last updated: ~~13 May 2021~~ 11 April 2023, 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.

Field Code Changed

### 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.<sup>15</sup>
- 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

<sup>15</sup> Gambling Commission Guidance to Licensing Authorities, Last updated: ~~13 May 2021~~ 11 April 2023, 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 Commission's 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.<sup>16</sup> 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.

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

#### Further information

Part ~~9-9~~ 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 profile<sup>17</sup>

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 assessments<sup>18</sup>

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.

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<sup>17</sup> Gambling Commission Guidance to Licensing Authorities, Last updated [13 May 2021](#) [11 April 2023](#), para 6.47 onwards

<sup>18</sup> Gambling Commission Guidance to Licensing Authorities, Last updated [13 May 2021](#) [11 April 2023](#), 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 guidance<sup>19</sup> 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,

<sup>19</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~13 May 2024~~ 11 April 2023, 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 clubs<sup>20</sup>). 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.<sup>21</sup>
- 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.

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

<sup>21</sup> Gambling Commission Guidance to Licensing Authorities, Last updated [13 May 2024](#) [11 April 2023](#), 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 guidance<sup>22</sup>, 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](http://www.dacorum.gov.uk/licensing)

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<sup>22</sup> Gambling Commission Guidance to Licensing Authorities, Last updated ~~13 May 2024~~ 11 April 2023, 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 Regulations<sup>23</sup>;
- 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.

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<sup>23</sup> 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 Act<sup>24</sup>. 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](http://www.dacorum.gov.uk/licensing)

<sup>24</sup> 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



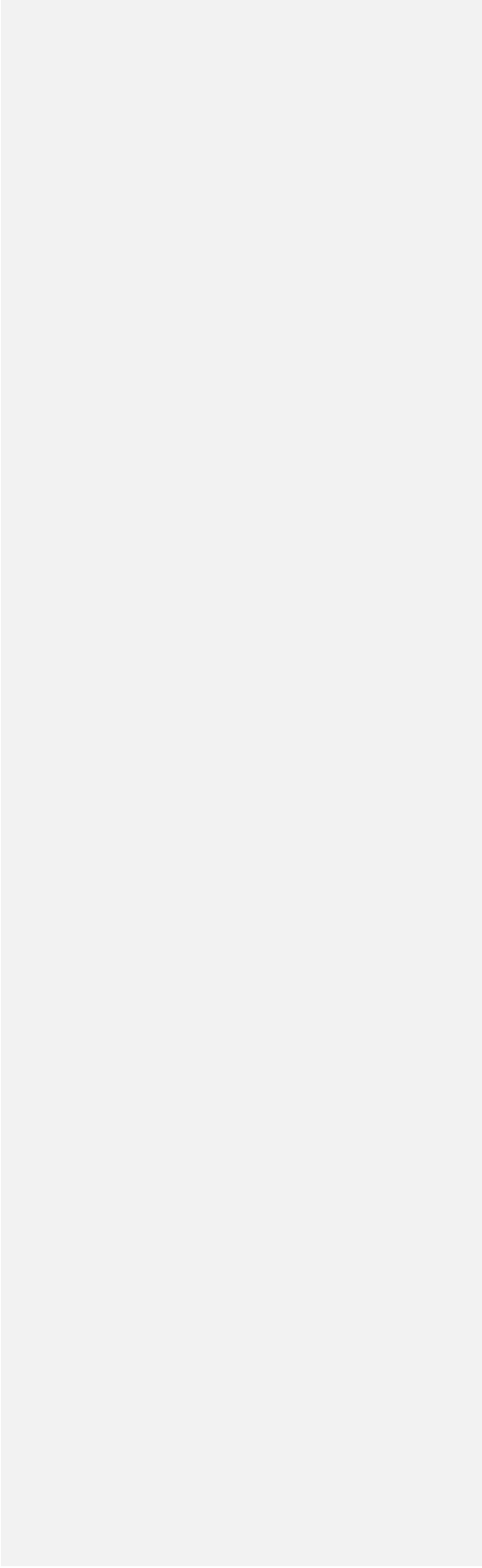
## 27. General principles

- 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.

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## 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 be 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](mailto:licensing@dacorum.gov.uk)  
Web: [www.dacorum.gov.uk/licensing](http://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](mailto:info@gamblingcommission.gov.uk)

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

HM Revenues and Customs (National Registration Unit)

Phone: 0300 322 7072

Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

Hertfordshire Constabulary (Dacorum Licensing)

Phone: 01442 271601

Email: [dacorumlicensing@herts.pnn.police.uk](mailto:dacorumlicensing@herts.pnn.police.uk)

Hertfordshire Fire and Rescue Service

Phone: 01707 292310

Email: [administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk)

Dacorum Planning

Phone: 01442 228000

Email: [planning@dacorum.gov.uk](mailto:planning@dacorum.gov.uk)

Dacorum ~~Regulatory Services~~ Environmental and Community Protection

Phone: 01442 228455

Email:

~~[ecpenvironmentalhealth@dacorum.gov.uk](mailto:ecpenvironmentalhealth@dacorum.gov.uk)~~

Hertfordshire Safeguarding Children Board

Phone: 01992 588757

Email: [admin.hscb@hertfordshire.gov.uk](mailto: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.

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

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)



# Gambling Act Local Area Profile under the Gambling Act 2005

## 2025 – 2028



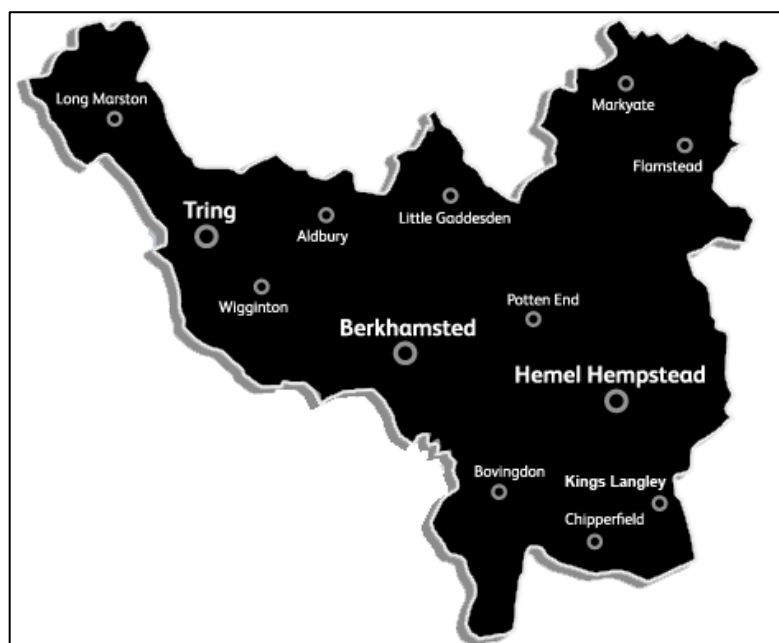
Date of publication	
Version no.	3.0
Date of expiry	

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 155,200<sup>1</sup>, 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 website<sup>2</sup>.
- 1.5. The borough is continuing to develop, and with significant regeneration ongoing in much of the borough and Hemel Hempstead in particular now and over the coming years, it is an exciting time for those who live and work in the area.

<sup>1</sup> Office of National Statistics, Census 2021

<sup>2</sup> [www.dacorum.gov.uk/home/community-living/statistics-about-dacorum](http://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 12 gambling premises licences currently issued, 2 adult gaming centres and 10 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](http://www.dacorum.gov.uk/licensing)

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)





<b>Report for:</b>	<b>Licensing, Health &amp; Safety and Enforcement Committee</b>
<b>Date of meeting:</b>	<b>10<sup>th</sup> September 2024</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Review of Animal Activity Licensing Policy</b>
Contact:	Sally Mcdonald – Licensing Manager, Legal and Democratic Services
Purpose of report:	To present draft revisions to the Animal Activity Licensing Policy.
Recommendations	That officers commence consultation with licence holders, other interested parties, and via the Dacorum Borough Council website and report the results to a future meeting of the Committee.
Corporate objectives:	A clean, safe and enjoyable environment – This policy sets out the principles for licensing activities involving animals, in line with current legislation, which will ensure the legal and safe operation of licensed businesses
Implications:	<u>Financial / Value for Money / Risk / Health &amp; Safety</u> Having a policy is not a requirement for this area of licensing, and maintaining a policy requires occasional officer resources. However, the purpose of the policy is to ensure that the Council's approach to this licensing regime is clear and transparent, which should reduce unnecessary customer contact, by signposting to the policy which will be available on the Council's website.

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:	N/A
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

1.1. The Licensing of Activities involving animals (England) (2018) regulations came into force on 1<sup>st</sup> October 2018, with the commencement of the new licences from 1<sup>st</sup> January 2019. Prior to that animal licensing was regulated under a number of different pieces of legislation.

1.2. Dacorum Borough Council currently licence 59 Animal establishments as follows:

Home Boarding: 34  
Home Boarding franchise: 3  
Catteries: 3  
Commercial Dog Day Care: 4  
Dog Boarding kennels: 1  
Pet Shops: 4  
Riding Establishments: 4  
Exhibiting animals: 6  
Dog Breeding: 0

1.3. The new regime is much more involved, and it is a requirement of the legislation that all inspectors that carry out inspections on licensed premises have obtained a Level 3 qualification to do so. Inspectors must be well versed in respect of Home Boarding and Commercial Day Care, Dog breeding, Licensing of Kennels and Catteries, Riding Establishments, Pet Shops and the activity of showing animals, either on film, or in a hands on environment. Dacorum currently have two qualified Inspectors, both in the Licensing Team, and another Licensing Officer currently working through the qualification.

1.4. The Animal Welfare Licensing Policy was created in 2019 after the first year of dealing with these applications – although not a legal requirement, it is a useful tool in setting out what is required in respect of these applications, as the licensing process can be complex. The policy takes into account statutory DEFRA guidance in relation to the process and conditions that the licence holders must meet.

1.5. Although there haven't been any significant changes to the legislation or guidance, officers have established that some minor amendments are required to refresh the Policy, and these are set out in the Draft at Annex A.

1.6. The Committee are asked to approve consultation on the revised policy for a period of six weeks with the outcome and final amendments to be presented to a future meeting.

## **2. RECOMMENDATION**

**2.1. That officers commence consultation with Licence holders, other interested parties, and other persons, with any responses to be submitted to a future meeting of the Committee.**



# Animal Licensing Policy

2019-2024 –



Date of publication	
Version no.	12
Review date	

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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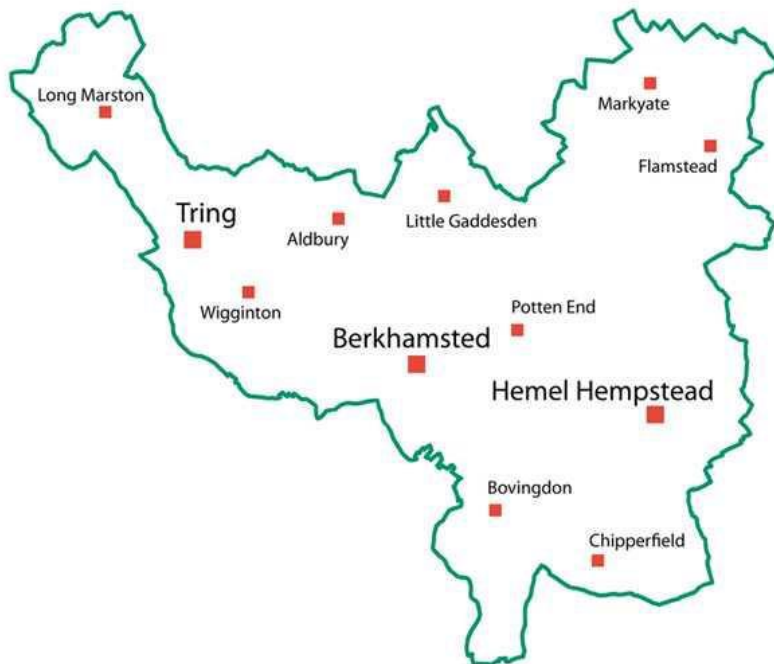
## About Dacorum

The borough of Dacorum is situated in west Hertfordshire and has 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.

Hemel Hempstead was one of the first "New Towns" built after the Second World War. Its 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.

The remainder of the Borough is rural, surrounding two market towns, Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, outside towns the communities value their rural heritage as well as expecting good modern services. The conservation of building and landscape are important considerations in Dacorum, balanced with concerns to maintain thriving businesses in town centres. Dacorum Borough Council works closely with the 16 town and parish councils, which represent communities in rural areas of the Borough.

Dacorum has a population of 155,200<sup>1</sup>, and is the largest of the Hertfordshire districts by headcount. Further information about Dacorum and the demographics of its populace can be found on the council's website via "Statistics about Dacorum".<sup>2</sup>



<sup>1</sup> [Office of National Statistics resident population estimates June 2016](#) [Office of National Statistics Census March 2021](#)  
<sup>2</sup> <http://www.dacorum.gov.uk/statistics-about-dacorum>

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## 1. General principles

- 1.1. Animal welfare is paramount to Dacorum Borough Council in the consideration of any type of licence application relating to animals.
- 1.2. The Council regulates the licensing of animals under the following three pieces of legislation:
  - a) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the provisions of which are contained within the Animal Welfare Act 2006, that came into effect on 1<sup>st</sup> October 2018;
  - b) The Dangerous Wild Animals Act 1976; and
  - c) The Zoo Licensing Act 1981.
- 1.3. The role of Dacorum Borough Council as a licensing authority is to ensure that operators – that is people who run businesses which involve animals covered by these pieces of legislation and meet the relevant criteria hold the correct licence, and that appropriate enforcement action is taken in respect of unlicensed activity.
- 1.4. Officers are authorised to use the Animal Welfare Act 2006, in particular Sections 4 and 9 of the Act, which addresses the treatment of animals. Section 4 deals with the unnecessary suffering of an animal, if a person, causes or fails to act to prevent an animal from suffering. This could be a deliberate act of cruelty or neglect of an animal. Evidence of a Section 4 offence would almost certainly result in prosecution under the Act.
- 1.5. Section 9 of the Animal Welfare Act 2006 covers the duty of a person responsible for an animal to ensure their needs are met, so that the animal;
  - has a suitable environment
  - has a suitable diet
  - can exhibit normal behaviour
  - can be housed, with or apart from other animals
  - can be protected from pain, suffering, injury and disease
- 1.6. If the officer is not satisfied that these legal requirements are or can be met then they will not grant a licence. Equally, if an officer has enough evidence, then an Improvement Notice will be served and/or prosecution under -The Animal Welfare Act considered.
- 1.7. All three pieces of legislation can be viewed on the Government’s legislation website, [www.legislation.gov.uk](http://www.legislation.gov.uk)

## Applying for a licence

- 1.8. Businesses operating premises carrying out the following licensable activities must hold the appropriate licence:
- a) Selling animals as pets;
  - b) The provision of boarding for cats in catteries, dogs –either in boarding kennels, on a commercial day care basis or in the home;
  - c) Hiring out horses for riding or riding tuition;
  - d) Breeding dogs;
  - e) Keeping and training animals in order to exhibit them;
  - f) Keeping animals classed as dangerous under the Dangerous Wild Animals Act 1976 on a private basis;
  - g) Operating a zoo which opens for more than seven days in any twelve month period.

1.9. All these types of licence must be issued by the Council in which the premises carrying out the activities is situated.

1.9.1.10. There may be some animal related activities under the above that fall outside of these regulations and therefore don't need licensing. Any queries on this should be checked by contacting [Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)

1.10.1.11. Applications must be made in writing, contain such information as required by the authority and must be accompanied by the appropriate fee. Application forms and further information on the application process and fees may be obtained from the Licensing team or via our website ([www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)).

## Exchange of information – who we consult

1.11.1.12. Applicants are advised to ensure they have the correct permissions in place to carry on their business. Upon receipt of the application we will consult with the Planning Department for all applications, Housing Department (for tenanted premises), and Business Rates and Estates (for commercial properties). We cannot refuse to grant licences that do not have these permissions if all the requirements for Animal Activity Licences are met, however, action can be taken against applicants by the respective departments under their particular legislation or requirements if those permissions are not given.

1.12.1.13. Data may also be released in accordance with statutory provisions under the Data Protection Act 1998, the Freedom of Information Act 2000, and associated legislation.

1.13.1.14. In addition, for Animal Activity Licences, details of licensed premises and their star ratings are included in a public register, available on the Dacorum Borough Council website. This is not a legal requirement, but is a good source of information for members of the public requiring a licensed establishment.

## Variation, revocation and suspension of licences

1.14.1.15. The licence can be varied if the Licence holder applies to do so, or if they give their consent to a request from the Council. We can also suspend, vary or revoke licences without the consent of the holder in the following circumstances:

- a) The licence holder has not complied with the licence conditions;
- b) The Regulations have been breached;
- c) The Licence holder has supplied false or misleading information; or



d) It is necessary to protect the welfare of the animal.

~~1-15-1.16.~~ In such cases, we will clearly explain why the decision has been reached, set out when the suspension or revocation will come into effect and state the rights of the Licence holder. In addition information will be provided to assist the Licence holder in rectifying the issues.

~~1-16-1.17.~~ Unless the welfare of an animal or animals is at risk, a period of 7 working days will be allowed after the licence holder has been notified of the decision to suspend or revoke the licence.

~~1-17-1.18.~~ The Licence holder will be required to have in place a plan setting out arrangements for the animals in their care should the licence be suspended or revoked.

~~1-18-1.19.~~ Further information about the various provisions is set out in our application forms or can be obtained from the Licensing Team.

~~1-19-1.20.~~ We cannot refuse applications other than in the circumstances set out above. However, if other departments of the Council with whom we consult wish to take action in respect of any aspect of an application, they will do so under their own legislation.

## Length of licence

### Animal Activity Licence

~~1-20-1.21.~~ Licences shall be granted between 1 and 3 years, dependent on the outcome of a two stage process:

- a) Calculating whether the business is low risk or high risk.
- b) Assessing whether the business has minor failings, meets the minimum standards laid down in the legislation and associated DEFRA guidance, or, in addition to the minimum standards, also meets **both** the **required and** optional higher standards set out in DEFRA guidance. We will look for businesses to be achieving all the minimum standards plus **all the required higher standards and** 50% of the **optional** higher standards to obtain the highest star rating. This is established during the inspection.

~~1-21-1.22.~~ This process does not apply to the activity of Keeping and Training Animals for Exhibition, as the length of licences issued for this activity have been set by default at three years.

### Dangerous Wild Animals Licence

~~1-22-1.23.~~ Licences shall be issued for a period of 2 years.

### Zoo Licence

~~1-23-1.24.~~ Licences shall be issued for an initial period of 4 years upon grant, followed by a further 6 years upon renewal of the licence.

## Fees

~~1-24-1.25.~~ The authority will require payment of a fee with every application for a licence. Fees are broken down into two parts – the application fee, which covers initial processing of the application and the **initial** inspection. This fee is not refundable if the licence is refused. Once the applicant has met all the requirements set out in the legislation and a satisfactory inspection has been carried out the licence will be granted, a Licence fee will be taken and the licence issued.

~~1-25-1.26.~~ Fees will be reviewed and set ahead of every financial year, and fee levels will be made available from the Licensing team or via our website. In setting fees, we will have regard to any

relevant guidance, and to the requirements of the EU Services Directive and applicable case law.

## **2. Consideration of applications**

### **2.1. Animal Activity Licences**

#### **Initial considerations**

2.1.1. The Council considers that how the applicant intends to operate their business is extremely important, given that the licence holder will be assuming responsibility for the welfare of animals, either their own that are being used in the running of their business, or animals that they are caring for for their customers. The 2018 regulations set out a number of conditions that the licence holder will need to comply with, and we will be looking for the following when considering an application:

- a) **Applicant's experience:** Confidence in the ability to handle and control an animal and a clearly demonstrated knowledge of its welfare needs are a paramount consideration and form part of the conditions in law. Experience over many years, and/or qualifications achieved in animal handling and care will be taken into account when scoring the application. Is the animal relaxed and happy in this environment? Applicants should be able to spot abnormal behaviours, and know when to seek veterinary advice or treatment if required. They should also be comfortable with maintaining the animal's health and condition while in their care – this may involve daily grooming, health checks of eyes, ears and feet, and ensuring they receive the correct diet for their species.
- b) **Premises suitability:** This not only means the condition and security of the premises as a whole, but also any areas in which animals are to be contained. This could range from an outside kennel block, to stabling to cages or aviaries, or any other area or structure in which the animal would be kept. We would be looking to ensure that the sizes of such areas comply with or exceed the minimum sizes set out in the Regulations, that they are made of robust and non-porous or suitably treated materials, are well lit/ventilated and clean. This also applies to the conditions in which animals are transported, and the steps taken to ensure their comfort and safety on route. Generally, a premises should be in good condition, with all entrances and exits suitably secured to minimise risk of escape or theft. Boundary walls/fences should be in good condition, and suitably high to contain whichever species is cared for within.
- c) **Recording and storing information/records:** This forms a large part of the legal requirements for businesses carrying out licensable activities involving animals. Before a premises is inspected we would expect to see templates of client forms, policies and procedures for the operation of the business that pay particular attention to the record keeping requirements set out in the regulations and address staff development (if staff are employed). Future inspections will require the licence holder to produce complete records for the period since the previous licence application/renewal. Usually we will not score an initial application until all forms, policies and procedures are set up and have been examined by the Licensing Officer.

2.1.2. Full guidance notes that accompany the conditions applicants are required to meet can be downloaded from the Dacorum Borough Council website via the following link <http://www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences> or can be requested in hard copy from the Licensing Team.

## Inspections

2.1.3. The premises and documentation will be inspected by an officer that is suitably experience/qualified for this purpose as required by the legislation. For activities involving the breeding of dogs, the inspecting officer will be accompanied by a veterinary surgeon at the initial visit when the grant of the licence is being considered. For activities involving horse riding and tuition, the inspecting officer will be accompanied by a veterinary surgeon at the time the licence is granted, and at renewal. The veterinary surgeon will also visit riding establishments on a yearly basis to inspect between licence renewals regardless of the length of licence granted. The inspecting officer will examine the application, forms and records and make sure the premises meets the criteria to keep the animals safe and ensure their health and welfare in accordance with the conditions ~~relevent~~relevant to each activity. Following the inspection the inspector will confirm whether they consider that the licence conditions can be met, based on the evidence they are given.

2.1.4. Following -grant and/or renewal, there will be one unannounced inspection during the period the licence is in force.

## Scoring applications

2.1.5. Once the inspection has been carried out and the applicant has provided all the necessary documents, a risk rating will be carried out and the premises will be awarded a star rating between one and five. In order to do this we must follow a strict risk based system created by DEFRA. It is therefore important to stress that star ratings are not set by Dacorum Borough Council, rather they are a result of completing this process. Taking into account points a) to c) above and providing as much information as possible to support the application will assist us when carrying out the risk rating process. As part of these considerations, we also take into account the applicant's conduct as the operator of the particular licensable activity, whether they are a fit and proper person to be the operator (in line with the requirements of the regulations) and any other relevant factors.

2.1.6. An Animal Activity Licence will comprise the licence holder details and activities they are carrying out, the star rating, a list of standard conditions, and a set of specific conditions relating to the particular activity or activities that have been authorised. All conditions are set out in Annexes A1 to A6 of this policy.

2.1.7. Applicants must not operate prior to grant of any licence as it is an offence to do so. Any person found guilty of this offence would be prohibited from being granted a licence in the future.

## Franchises

2.1.8. Franchises (whereby a business connects pet owners with pet carers who wish to look after animals without a fee (just minor expenses)) will need to ensure that all the premises covered by their licence meet all the conditions set out in the relevant annexes to this policy. All 'host' premises that board animals in this way will be inspected as part of the application process, and also be expected to take into consideration the points set out at a), b) and c) on page 6. Any changes to the licence i.e premises no longer operating, and new premises being added, shall be dealt with by way of varying the licence, and a fee will be payable for this.

## Refusal to grant Animal Activity Licence

2.1.9. Applications for Animal Activity licences will be refused if:

- a) the applicant is listed as disqualified under provisions listed in Schedule 8 of the Regulations and any appeal against the disqualification has either been refused or its time limit has expired; or
- b) the applicant has held a licence under provisions listed in Schedule 8 of the Regulations that was revoked, and that any appeal against the revocation has either been refused or its time limit has expired.

## Appeals

- 2.1.10. If a Licence holder wishes to appeal the star rating awarded, the appeal should be made in writing (including e-mail) to the Licensing Team within 21 days of the issue of the licence (including weekends and bank holidays). We would encourage the Licence holder to discuss the matter informally with the inspecting officer, so the reasoning behind the rating can be explained, as this may help to resolve the matter before an appeal is lodged. Any informal discussions do not form part of the appeal process, or change the deadline within which an appeal can be lodged. An appeal can be lodged and subsequently withdrawn if the matter is resolved.
- 2.1.11. No officer involved in the production of the star rating or inspection on which it is based will consider the appeal. A decision will be issued within 21 days (including weekends and bank holidays) from the date we receive the appeal.
- 2.1.12. If the Licence holder disagrees with the outcome of the appeal, they can challenge the Council's decision by means of judicial review. If they feel that the service has not been properly delivered they have recourse to the local authority complaints procedure, and where appropriate, the Local Government Ombudsman.

~~2.1.12-2.1.13.~~ Licence holders may appeal a Council decision to revoke an Animal Activity Licence by appealing to a First Tier Tribunal, within 28 consecutive days of being notified of the revocation. Information on First Tier Tribunals can be found here: [General Regulatory Chamber - Courts and Tribunals Judiciary](#)

## 2.2. Dangerous Wild Animals

### Initial considerations

- 2.2.1. This is a specialist area, and we will be looking to ensure the applicant has a sound knowledge of the species that is being kept, ~~their~~their welfare and accommodation – i.e. security, handling of the species, observations, and knowing if and when veterinary care is needed. For these reasons, we appoint a specialist veterinary surgeon who is authorised by the Council and specialises in exotic species to assist with this type of application.
- 2.2.2. Applicants will need to show that they are (or will be) the legal owners and keepers of the animals, and any relevant legal requirements (for example, CITES permits for the import of endangered species) have been satisfied.
- 2.2.3. Applicants will also need to demonstrate that they have made provision for the security of the animals should the premises be rendered uninhabitable.
- 2.2.4. Further information and application forms can be found on the Dacorum Borough Council website via the following link <http://www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences/dangerous-wild-animals> .

### Inspections

- 2.2.5. Once the application has been received, an appointment will be made to inspect the premises. The veterinary surgeon will look at whether the premises provides a suitable environment for the animal to live in, and that the animal will receive the care it requires in all aspects of its life i.e feeding, exercise, bedding, veterinary care, prevention of illnesses and disease and social interaction, . We will also require evidence from the applicant that they have the relevant skills, knowledge of the species, or qualifications, and that keeping the animal(s) will not lead to a risk to public safety or cause nuisance.

2.2.6. Licences will be issued subject to the inclusion of a set of standard conditions, relating to the welfare of the animal(s) and the suitability of both the licence holder and the environment in which they are being kept, together with additional conditions tailored for the particular species. These would normally be discussed with the veterinary surgeon during the inspection.

#### **Refusal to grant Dangerous Wild Animal Licence**

2.2.7. Applications for Dangerous Wild Animal Licences will be refused if:

- a) the applicant is either under the age of 18 or not deemed to be a fit a proper person under the Dangerous Wild Animals Act;
- b) there are grounds on safety or public nuisance to refuse it; or
- c) the animals are not owned by, or in the possession of, the applicant.

#### **Appeals**

2.2.8. Applicants can appeal a decision to refuse a Dangerous Wild Animal Licence, or a Licence holder can appeal against the adding of particular conditions to the licence. In all cases, appeals can be made to the Magistrates Court.

### **2.3. Zoos**

#### **Initial considerations**

2.3.1. To meet the criteria to be licensed as a zoo, the premises must meet the following:

- (a) Wild animals are kept for exhibition to the public on the premises, but not for the purposes of a circus, or in a pet shop; and
- (b) Members of the public have access to the premises, with or without a charge for admission, on seven days or more in any period of twelve consecutive months.

2.3.2. The premises may be suitable for an exemption from the requirement to obtain a licence in certain circumstances. Advice will be given on individual applications accordingly.

2.3.3. Further information on zoo licensing can be found on the Dacorum Borough Council website via the following link: <http://www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences/zoo-licences>

#### **Inspections**

2.3.4. Inspections of zoos must be carried out by an inspector nominated by the Secretary of State, and the licensing authority will notify applicants of the details of the inspector prior to the inspection taking place. Once the inspection has taken place, the inspector should provide their report to us within 28 days, or confirm if it is to be delayed.

2.3.5. Zoo licences will be granted subject to the receipt of a satisfactory inspection report, and consideration of the suitability of the premises and applicants. Mandatory conditions will be applied to the licence, together with any other conditions that, with the agreement of the applicant, we feel are necessary or desirable to ensure proper conduct of the zoo throughout the licence period.

#### **Refusal to grant Zoo Licence**

3.5.3. Applications for Zoos will be refused if:

- a) the zoo could adversely affect the health and safety of people living nearby, or affect law and order in that area;
- b) conservation measures have not been implemented in a satisfactory manner;
- c) the standards of accommodation, staffing and management are inadequate for the proper care and wellbeing of the animals;
- d) any person involved in the running of the zoo or employed as a keeper has been convicted of an animal welfare offence;
- e) if planning permission is required for the zoo, but has not been granted.

## Appeals

3.5.4. All appeals relating to refusal to grant or transfer licences, the issue of a zoo closure direction, or against enforcement steps for unmet conditions must be lodged in a magistrates' court within 28 days of receiving the condition.

## 3. Review of Policy

- 3.1. This policy will be kept under review and updated in light of any significant changes in legislation, case law or national guidance. We will also carry out periodic reviews of the policy to ensure that it remains appropriate to the current operating environment.
- 3.2. If you wish to comment on the policy please email [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) and your comments will be considered during future policy reviews.

## 4. Complaints

- 4.1. If you wish to make a complaint about alleged unlicensed activity or breach of a licence then you can contact the Licensing team during normal office hours, using the contact details below. If you need to make a complaint outside of normal office hours then you can leave a message either by telephone or email which will be responded to when the office re-opens. Complaints made to the Licensing team will be investigated by a Licensing Enforcement Officer who will also inform you of any action taken as a result of your complaint.

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

Telephone: 01442 228000, and at the prompt ask for Licensing  
Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

- 4.2. We understand that, from time to time, persons may not be completely satisfied with the service that they receive from the Licensing team, 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 Complaint Procedure (details of which can be found on the Council's website at [www.dacorum.gov.uk](http://www.dacorum.gov.uk)). Complaints can be made via our website, using the form at [www.dacorum.gov.uk/CustomComplaints](http://www.dacorum.gov.uk/CustomComplaints), or by calling 01442 228000 and asking for the Complaints Service. 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.

## Annex A – Conditions for Animal Activity Licences

### Annex A1 – General Conditions for all licences:

#### 1. Licence display

- (1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.
- (2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

#### 2. Records

- (1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.
- (2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

#### 3. Use, number and type of animal

- (1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.
- (2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

#### 4. Staffing

- (1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.
- (2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.
- (3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

#### 5. Suitable environment

- (1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.
- (2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—
  - (a) their behavioural needs,
  - (b) its situation, space, air quality, cleanliness and temperature,
  - (c) the water quality (where relevant),
  - (d) noise levels,
  - (e) light levels,



(f) ventilation.

- (3) Staff must ensure that the animals are kept clean and comfortable.
- (4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.
- (5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.
- (6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.
- (7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.
- (8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.
- (9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

#### **6. Suitable diet**

- (1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.
- (2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
- (3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.
- (4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.
- (5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.
- (6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

#### **7. Monitoring of behaviour and training of animals**

- (1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.
- (2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

- (4) Where used, training methods or equipment must not cause pain, suffering or injury.
- (5) All immature animals must be given suitable and adequate opportunities to—
  - (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities in their environment.

**8. Animal handling and interactions**

- (1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.
- (2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.
- (3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

**9. Protection from pain, suffering, injury and disease**

- (1) Written procedures must—
  - (a) be in place and implemented covering—
    - (i) feeding regimes,
    - (ii) cleaning regimes,
    - (iii) transportation,
    - (iv) the prevention of, and control of the spread of, disease,
    - (v) monitoring and ensuring the health and welfare of all the animals,
    - (vi) the death or escape of an animal (including the storage of carcasses);
  - (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of

that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
  - (a) in the case of fish, a person who is competent for such purpose;
  - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.
- (13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.
- (14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

#### **10. Emergencies**

- (1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.
- (2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.
- (3) External doors and gates must be lockable.
- (4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

## Annex A2 – Specific conditions for selling animals as pets

The following conditions shall apply to any licence which authorises the sale of animals as pets.

### 1. Interpretation

In this Annex—

- “prospective owner” means a person purchasing an animal to keep or to be kept as a pet;
- “premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;
- “purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

### 2. Records and advertisements

- (1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include —
  - (a) the full name of the supplier of the animal,
  - (b) the animal’s sex (where known),
  - (c) (except in the case of fish) the animal’s age (where known),
  - (d) details of any veterinary treatment (where known),
  - (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
  - (f) the date of the sale of the animal by the licence holder, and
  - (g) the date of the animal’s death (if applicable).
- (2) Where an animal is undergoing any medical treatment—
  - (a) this fact must be clearly indicated—
    - (i) in writing next to it, or
    - (ii) (where appropriate) by labelling it accordingly, and
  - (b) it must not be sold.
- (3) Any advertisement for the sale of an animal must—
  - (a) include the number of the licence holder’s licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the animal being advertised,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

### 3. Prospective sales: pet care and advice

- (1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.
- (2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—
  - (a) feeding,
  - (b) housing,
  - (c) handling,
  - (d) husbandry,
  - (e) the life expectancy of its species,
  - (f) the provision of suitable accessories, and
  - (g) veterinary care.

- (3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.
- (4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.
- (5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

#### **4. Suitable accommodation**

- (1) Animals must be kept in housing which minimises stress including from other animals and the public.
- (2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.
- (3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.
- (4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976.

#### **5. Purchase and sale of animals**

- (1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—
  - (a) unweaned mammals;
  - (b) mammals weaned at an age at which they should not have been weaned;
  - (c) non-mammals that are incapable of feeding themselves;
  - (d) puppies, cats, ferrets or rabbits, aged under 8 weeks.
- (2) The sale of a dog must be completed in the presence of the purchaser on the premises.

#### **6. Protection from pain, suffering, injury and disease**

- (1) All animals for sale must be in good health.
- (2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.
- (3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.
- (4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

## Annex A3 – Specific conditions for boarding of cats and dogs

### Part 1: Providing boarding for cats

The following conditions shall apply to any licence which authorises the provision of boarding accommodation for cats.

#### 1. Interpretation

In this Part—

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

#### 2. Suitable environment

- (1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.
- (2) There must be a safe, secure, waterproof roof over the entire cat unit.
- (3) A cat unit may only be shared by cats from the same household.
- (4) Communal exercise areas are not permitted.
- (5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.
- (6) Each cat unit must provide the cat with sufficient space to—
  - (a) walk,
  - (b) turn around,
  - (c) stand on its hind legs,
  - (d) hold its tail erect,
  - (e) climb,
  - (f) rest on the elevated area, and
  - (g) lie down fully stretched out, without touching another cat or the walls.
- (7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.
- (8) Cats must have constant access to their sleeping area.
- (9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.
- (10) Each cat unit must include an elevated area.
- (11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.
- (12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.

### **3. Monitoring of behaviour and training of cats**

- (1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.
- (2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.
- (3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

### **4. Records**

A register must be kept of all the cats on the premises which must include—

- (a) the dates of each cat's arrival and departure,
- (b) each cat's name, age, sex, neuter status and a description of it or its breed,
- (c) each cat's microchip number, where applicable,
- (d) the number of any cats from the same household,
- (e) a record of which cats (if any) are from the same household,
- (f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
- (g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
- (h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,
- (i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
- (j) details of each cat's diet and related requirements,
- (k) any required consent forms,
- (l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
- (m) details of any medical treatment each cat is receiving.

### **5. Protection from pain, suffering, injury and disease**

- (1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.
- (2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.
- (3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.
- (4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.
- (5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.
- (6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

## **Part 2: Providing boarding in kennels for dogs**

The following conditions shall apply to any licence which authorises the provision of boarding accommodation in kennels for dogs.

### **6. Interpretation**

In this Part—

“exercise run” means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

“kennel unit” means the physical structure and area that consists of a sleeping area and an exercise run;

“premises” means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

### **7. Suitable environment**

- (1) Dogs within the premises must be prevented from coming into direct contact with other animals from outside the premises.
- (2) In each kennel unit, the sleeping area must—
  - (a) be free from draughts;
  - (b) provide the dog with sufficient space to—
    - (i) sit and stand at full height,
    - (ii) lie down fully stretched-out,
    - (iii) wag its tail,
    - (iv) walk, and
    - (v) turn around,without touching another dog or the walls;
  - (c) have a floor area which is at least twice the area required for the dog in it to lie flat; and
  - (d) if built after the 1<sup>st</sup> October 2018, have a floor area of at least 1.9 square metres.
- (3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.
- (4) Each dog must have constant access to its sleeping area.
- (5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.
- (6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.
- (7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.
- (8) Only dogs from the same household may share a kennel unit.

### **8. Monitoring of behaviour and training**

- (1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.
- (2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.



- (3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.
- (4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.
- (5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.
- (6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

#### **9. Records**

- (1) A register must be kept of all the dogs on the premises which must include—
  - (a) the dates of each dog's arrival and departure;
  - (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
  - (c) the number of any dogs from the same household;
  - (d) a record of which dogs (if any) are from the same household;
  - (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
  - (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
  - (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
  - (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
  - (i) details of the dog's diet and related requirements;
  - (j) any required consent forms;
  - (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
  - (l) details of any medical treatment each dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

#### **10. Protection from pain, suffering, injury and disease**

- (1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.
- (3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.
- (4) In sub-paragraph (3), "holding kennel unit" means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

### **Part 3: Providing home boarding for dogs**

The following conditions shall apply to any licence which authorises the provision of home boarding accommodation for dogs.

#### **11. Interpretation**

In this Part—

“designated room” means a room within the home allocated to a dog;

“home” means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

#### **12. Home**

(1) Dogs must be accommodated within the home.

(2) The home must include—

- (a) direct access to a private, non-communal, secure and hazard-free external area, and
- (b) at least two secure physical barriers between any dog and any entrance to or exit from it.

#### **13. Suitable environment**

(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

- (a) it is already habituated to it,
- (b) a crate forms part of the normal routine for the dog, and
- (c) the dog’s owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

#### **14. Suitable diet**

Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

#### **15. Monitoring of behaviour and training**

(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

**16. Housing with or apart from other dogs**

- (1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.
- (2) Unneutered bitches must be prevented from mating.
- (3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

**17. Records**

- (1) A register must be kept of all the dogs accommodated in the home which must include—
  - (a) the dates of each dog's arrival and departure;
  - (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
  - (c) the number of any dogs from the same household;
  - (d) a record of which dogs (if any) are from the same household;
  - (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
  - (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
  - (g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;
  - (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
  - (i) details of each dog's diet and related requirements;
  - (j) any required consent forms;
  - (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
  - (l) details of any medical treatment each dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

**18. Protection from pain, suffering, injury and disease**

- (1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.

#### **Part 4: Providing day care for dogs**

The following conditions shall apply to any licence which authorises the provision of day care accommodation for dogs.

#### **19. Interpretation**

In this Part, “premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

#### **20. No overnight stay**

No dog may be kept on the premises overnight.

#### **21. Suitable environment**

- (1) Each dog must be provided with—
  - (a) a clean, comfortable and warm area where it can rest and sleep, and
  - (b) another secure area in which water is provided and in which there is shelter.
- (2) Each dog must have access to areas where it can—
  - (a) interact safely with other dogs, toys and people, and
  - (b) urinate and defecate.
- (3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

#### **22. Suitable diet**

Any dog that requires specific feed due to a medical condition must be fed in isolation.

#### **23. Monitoring of behaviour and training**

- (1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.
- (2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

#### **24. Housing apart from other dogs**

- (1) Unneutered bitches must be prevented from mating.
- (2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

#### **25. Records**

- (1) A register must be kept of all the dogs on the premises which must include—
  - (a) the date of the dog’s attendance;
  - (b) the dog’s name, age, sex, neuter status, microchip number and a description of it or its breed;
  - (c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;
  - (d) the name and contact details of the dog’s normal veterinarian and details of any insurance relating to the dog;
  - (e) details of the dog’s relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;
  - (f) details of the dog’s diet and relevant requirements;
  - (g) any required consent forms;
  - (h) a record of the date or dates of the dog’s most recent vaccination, worming and flea treatments;

(i) details of any medical treatment the dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

**26. Protection from pain, suffering, injury and disease**

(1) The dogs must be supervised at all times.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

## **Annex A4 – Specific conditions for hiring out horses**

The following conditions shall apply to any licence which authorises the hiring of horses for riding or instruction in riding.

### **1. Interpretation**

In this Schedule, “client” means a person for whose use a horse is hired out.

### **2. Eligibility**

- (1) The licence holder must—
  - (a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and
  - (b) hold a valid certificate of public liability insurance which—
    - (i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and
    - (ii) insures any client against liability for any injury sustained by, and the death of, any other person, caused by or arising out of the hire of the horse.
- (2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

### **3. Supervision**

- (1) The activity must not at any time be left in the charge of a person aged under 18 years.
- (2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.
- (3) The following must be clearly and prominently displayed on the premises—
  - (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
  - (b) instructions as to the action to be taken in the event of a fire or other emergency.

### **4. Suitable environment**

- (1) It must be practicable to bring all the horses on the premises under cover.
- (2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
- (3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

### **5. Suitable diet**

- (1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- (2) Supplementary feed and nutrients must be provided to any horse when appropriate.
- (3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

## **6. Protection from pain, suffering, injury and disease**

- (1) The horses must be maintained in good health and must be in all respects physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.
- (8) The following must not be hired out—
  - (a) a horse aged under 3 years;
  - (b) a mare heavy with foal;
  - (c) a mare whose foal has not yet been weaned.
- (9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

## **7. Equipment**

All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

## Annex A5 – Specific conditions for the breeding of dogs

The following conditions shall apply to any licence which authorises the breeding of dogs:

### 1. Advertisements and sales

- (1) The licence holder must not advertise or offer for sale a dog—
  - (a) which was not bred by the licence holder;
  - (b) except from the premises where it was born and reared under the licence;
  - (c) otherwise than to—
    - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1 to the Regulations [*i.e. authorising the sale of animals as pets*]; or
    - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951 to keep the shop,  
knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.
- (2) Any advertisement for the sale of a dog must—
  - (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the dog being advertised, and
  - (d) display the age of the dog being advertised.
- (3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.
- (4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.
- (5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.
- (6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.
- (7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

### 2. Suitable environment

- (1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.
- (2) Each dog must be provided with sufficient space to—
  - (a) stand on its hind legs,
  - (b) lie down fully stretched out,
  - (c) wag its tail,
  - (d) walk, and
  - (e) turn around,without touching another dog or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area.
- (4) Part or all of the exercise area must be outdoors.
- (5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.



- (6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.
- (7) Each dog must be provided with constant access to a sleeping area.
- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
  - (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
  - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.
- (13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

### **3. Suitable diet**

Staff must—

- (a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,
- (b) provide each breeding bitch with feed appropriate to its needs,
- (c) provide each puppy with feed appropriate for its stage of development, and
- (d) ensure that each puppy ingests the correct share of the feed provided.

### **4. Monitoring of behaviour and training**

- (1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.
- (2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.
- (4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.
- (5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

### **5. Housing with or apart from other dogs**

- (1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

- (3) Procedures must be in place for dealing with dogs that show abnormal behaviour.
- (4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

**6. Protection from pain, suffering, injury and disease**

- (1) All dogs for sale must be in good health.
- (2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.
- (3) The licence holder must ensure that no bitch—
  - (a) is mated if aged less than 12 months;
  - (b) gives birth to more than one litter of puppies in a 12-month period;
  - (c) gives birth to more than six litters of puppies in total;
  - (d) is mated if she has had two litters delivered by caesarean section.
- (4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
  - (a) the date and time of birth of each puppy,
  - (b) each puppy's sex, colour and weight,
  - (c) placentae passed,
  - (d) the number of puppies in the litter, and
  - (e) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
  - (a) the microchip number of the puppy,
  - (b) the date of the sale, and
  - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
  - (a) its name,
  - (b) its sex,
  - (c) its microchip and database details,
  - (d) its date of birth,
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) its description,
  - (h) the date or dates of any matings, whether or not successful,
  - (i) details of its biological mother and biological father,
  - (j) details of any veterinary treatment it has received, and
  - (k) the date and cause of its death (where applicable).

- (10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—
- (a) the number of matings,
  - (b) its age at the time of each mating,
  - (c) the number of its litters,
  - (d) the date or dates on which it has given birth, and
  - (e) the number of caesarean sections it has had, if any.
- (11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.
- (12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.
- (13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.
- (14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## **Annex A6 – Specific conditions, Keeping or training animals for exhibition**

The following conditions shall apply to any licence which authorises the keeping or training of animals for exhibition:

### **1. Insurance**

The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

### **2. Emergencies**

A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

### **3. Suitable environment**

Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

### **4. Monitoring of behaviour and training**

The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

### **5. Housing with or apart from other animals**

- (1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.
- (2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.
- (3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.
- (4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

### **6. Records**

The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

### **7. Protection from pain, suffering, injury and disease**

- (1) A register must be kept of each animal exhibited or to be exhibited which must include—
  - (a) the full name of its supplier,
  - (b) its date of birth,
  - (c) the date of its arrival,
  - (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
  - (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
  - (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

- (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
  - (h) the distance to and times taken for it to travel to and from each exhibition event.
- (2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.
- (3) All the animals used in exhibition events must be in good physical and mental health.
- (4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.
- (5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.
- (6) The animals must be transported in suitable, secure and appropriately labelled carriers.
- (7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.
- (8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

## **Annex B – Standard Conditions for Dangerous Wild Animal Licences**

1. While any animal concerned is being kept only under the authority of this licence—
  - a) the animal shall be kept by no person other than such person or persons as is or are specified (whether by name or description) in the licence;
  - b) the animal shall normally be held at such premises as are specified in the licence;
  - c) the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;
  - d) the person to whom the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and
  - e) the terms of any such policy shall be satisfactory in the opinion of the authority;
2. No dangerous wild animal may be kept under the authority of this licence unless:
  - a) it is of a species specified in Annex 1 of the licence; and
  - b) the number of animals of that species kept does not exceed the corresponding maximum number listed in Annex 1 of this licence.
3. The person(s) to whom the licence is granted shall at all reasonable times make available a copy of the licence to any person entitled to keep any animal under the authority of the licence.
4. Without prejudice to any specific condition contained in Annex 3 to this licence:
  - a) Any animal kept under the authority of this licence will at all times:
    - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals being held in that accommodation;
    - (ii) while in its regular accommodation, be able to take adequate exercise; and
    - (iii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
  - b) Appropriate steps will be taken for the protection of all animals in case of fire or other emergency;
  - c) All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases.

## **Annex C – Mandatory conditions for Zoo Licences**

The Licence holder must:

- (i) promote public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
- (ii) accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
- (iii) prevent the escape of animals and put in place measures to be taken in the event of any escape or unauthorised release of animals;
- (iv) prevent the intrusion of pests and vermin into the zoo premises; and
- (v) keep up-to-date records of the zoo's collection, including records of the numbers of different animals; acquisitions, births, deaths, disposals and escapes of animals; the causes of any such deaths; and of the health of the animals.

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