

AGENDA

LICENSING COMMITTEE

WEDNESDAY, 2 OCTOBER 2019

1.30 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Linda Albon
Tel: 01354 622229
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- 1 To receive apologies for absence.
- 2 Previous Minutes. (Pages 3 - 6)

To confirm and sign the minutes of 23 July 2019.
- 3 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 4 Review of the Cumulative Impact Assessment Policy (CIA) (Pages 7 - 48)

To update Members on the outcome of the public consultation in relation to the Cumulative Impact Assessment (CIA) Policy and for Members to consider the results of the consultation in relation to the CIA Policy and agree next steps with regard to the policy moving forward.
- 5 Review of Gambling Statement of Policy Document - Gambling Act 2005 (Pages 49 - 102)

To update Members on the outcome of the public consultation for the draft policy document and for Members to consider the results of the consultation on the draft Statement of Gambling Principles for the period 2019-2022.

Tuesday, 24 September 2019

Members: Councillor M Humphrey (Chairman), Councillor R Skoulding (Vice-Chairman), Councillor D Connor, Councillor Miss S Hoy, Councillor A Lynn, Councillor C Marks, Councillor A Maul, Councillor Mrs K Mayor, Councillor N Meekins, Councillor W Rackley, Councillor M Tanfield and Councillor D Topgood

LICENSING COMMITTEE



TUESDAY, 23 JULY 2019 - 11.00 AM

PRESENT: Councillor M Humphrey (Chairman), Councillor R Skoulding (Vice-Chairman), Councillor A Lynn, Councillor A Maul, Councillor N Meekins, Councillor W Rackley, Councillor M Tanfield and Councillor D Topgood

APOLOGIES: Councillor Miss S Hoy and Councillor Mrs K Mayor

OBSERVING: Councillor S Clark

OFFICERS IN ATTENDANCE: Linda Albon (Member Services & Governance Officer), Michelle Bishop (Licensing Manager) and Dan Horn (Head of Housing & Neighbourhood Services)

LIC4/19 PREVIOUS MINUTES.

The minutes of the meeting of 25 April 2019 were agreed and signed.

LIC5/19 REVIEW OF CUMULATIVE IMPACT ASSESSMENT POLICY.

Members considered the Review of Cumulative Impact Assessment Policy report presented by Michelle Bishop.

Michelle pointed out that this was previously known as the Cumulative Impact Zone (CIZ). The policy has been brought forward for consideration for consultation due to changing legislation.

Members asked questions, made comments and received responses as follows:

- Councillor Lynn said that the zone covers a small area and yet there are almost 40 places where alcohol can be purchased at any given time. Councillor Humphrey agreed but said we cannot take away what already exists. This is about consulting on whether we keep the area in place, which allows us, as a committee when we attend hearings, to challenge those premises and refuse changes if necessary. It also gives us an opportunity to look at business models and their impact on the town. We do not want to restrict good businesses. He added that this does not deal with street drinking, which is dealt with in a different way.
- Councillor Humphrey further pointed out that the police have stated that problems have reduced over the last two years, but he does not see that as a direct result of the policy. However, we do not know how many applications we would have received within that area, but suspects not many more as he believes the area has reached saturation point.
- Councillor Lynn asked if there is a reason why this zone exists in Wisbech and not throughout Fenland. Councillor Humphrey advised that there cannot be a blanket CIZ. The current area exists as a result of feedback from Wisbech residents after consultation.
- Councillor Tanfield asked who we would consult with and over how big an area. Michelle Bishop confirmed that all consultations are publicised district-wide on social media and the Council website, in the four customer service centres and local press.
- Councillor Tanfield wondered how a member of the public living outside of Wisbech could comment on what was happening there, and asked if they would have an opportunity to state if they felt such a zone was needed in their own town. Councillor Humphrey pointed out that the public are free to express such requests as part of their comments. Michelle Bishop added that

it was actually the police who applied for the current CIZ as a tool to tackle street drinking and associated anti-social behaviour that they were experiencing in that specific area.

- Councillor Meekins said that he found it difficult to believe that Wisbech is unique in terms of street drinking and anti-social behaviour. Michelle Bishop reiterated that Fenland only has the one CIZ in place as requested by the police as this had been deemed a 'hotspot' area and the evidence had been provided to show this to be necessary. Councillor Humphrey added that neither the police nor other responsible authorities have requested a CIZ be in place in any other town; however it does not mean that they do not have issues of street drinking and anti-social behaviour, which could exist anyway, but would need dealing with on a separate basis.
- Councillor Skoulding said that other areas do not have the same number of outlets as exist in Wisbech. Councillor Lynn pointed out that the outlets would not be there if they were not being used. Councillor Skoulding agreed, adding that the number of public houses in March has reduced considerably over time due to lack of demand.
- Councillor Topgood asked if the consultation would make clear that the policy review is about licensing more premises rather than enforcement on street drinking. Michelle Bishop clarified that the public will be asked their views on whether they would like to see this policy remain in its current form or be amended in terms of the area being widened, reduced, or removed altogether. Enforcement and street drinking is not an area that will be dealt with within the consultation.
- Councillor Maul affirmed Councillor Topgood's concerns that the public may get confused between licensing and enforcement. Once the consultation goes out in relation to the CIA, they would think it was about street drinking when it is actually about the issuing of licenses to sell alcohol within the area. Michelle Bishop agreed it is linked to a degree with street drinking because if street drinkers have an outlet to go to, then potentially that is where they will purchase their alcohol. She will look at the wording but there will be a questionnaire which will help, and a comments box will clarify that the consultation is on the CIA with an opportunity to add any further comments that people wish to raise.
- Councillor Maul asked how many applications for new licences have been received since 2016 when the previous policy was introduced. Michelle Bishop confirmed that in the last two years, there have only been two applications in the area. Councillor Maul stated that a 'like-for-like' on how many applications have been received prior to the CIZ being in place would give people an idea whether the policy is working and the impact it has had since being in place.
- Councillor Skoulding added that it would be useful to see how many premises have also closed down in that period. Michelle Bishop said at least two or three have surrendered their licence in the last few years. Councillor Maul felt this may have more to do with rent issues and not falling alcohol sales.
- Councillor Tanfield said the consultation should be clearly worded in order to involve as many people as possible and if they are thinking of street drinking, it will be clear by their views.
- Councillor Humphrey said that the policy will support the work that the committee undertakes at hearings, allowing the opportunity to refuse applications where necessary, but equally not being a blanket ban against good businesses that want to come forward.
- Michelle Bishop added that the consultation will run for a minimum of four weeks.

Members agreed to APPROVE that officers undertake the consultation in relation to the CIA Policy and that officers will:

- **Consult on the area as defined in Appendix B and the CIA Policy as defined in Appendix A of the report.**
- **Follow the consultation procedure as per Section 5.3 of the Licensing Act 2003.**
- **Report back to the Licensing Committee with the outcome of the consultation for a decision to be made.**
- **Ask the community whether they think maintaining the policy and area in its current form is a good idea or not.**

LIC6/19 REVIEW OF GAMBLING STATEMENT OF POLICY DOCUMENT.

Members considered the Review of Gambling Statement of Policy Document report presented by Michelle Bishop.

Members asked questions, made comments and received responses as follows:

- Councillor Tanfield commented that there was little change between this reviewed policy and the previous version.
- Councillor Humphrey asked what constituted an unlicensed family entertainment centre. Michelle Bishop explained it was the terminology used for premises that used smaller categories of machines such as the 'toy grab' machines and were places where young children could be taken.


Members agreed to APPROVE:

- **The draft policy document under the Gambling Act 2005 as detailed within the report for a consultation period of no less than four weeks.**
- **That officers report back to Licensing Committee with the outcomes of the consideration to agree a final version to be referred to full council for adoption.**

11.28 am

Chairman

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Agenda Item No:	4	
Committee:	Licensing	
Date:	02 October 2019	
Report Title:	Review of The Cumulative Impact Assessment Policy (CIA)	

1 Purpose / Summary

- To update Members on the outcome of the public consultation in relation to the Cumulative Impact Assessment (CIA) Policy.
- For Members to consider the results of the consultation in relation to the CIA Policy and agree next steps with regard to the policy moving forward.

2 Key issues

- The current Cumulative Impact Assessment Policy (CIA) was adopted by Full Council on 12 May 2016.
- Due to this recent amendment to the LA2003 Act, the Council, as the Licensing Authority, must look to review the CIA Policy every 3 years to ensure all evidence is relevant to the current issues.
- On 23 July 2019, the Licensing Committee approved the consultation on the current CIA Policy. A copy of the minutes can be seen at <https://www.fenland.gov.uk/localgov/ieListDocuments.aspx?CId=138&MId=1379&Ver=4>
- The consultation took place from 5 August 2019 until 13 September 2019.
- 30 consultation responses were received from the public in respect of the CIA Policy
- 2 responses were received from Responsible Authority Officers... these were from Public Health and Cambs Police.
- 2 responses were received from consulted partners... these were from Wisbech Town Council and Fenland Community Safety/CCTV.

3 Recommendations

3.1 Following the consultation process, Licensing Committee have the following options available to them:

1. Keep the CIA policy and area as per the CIA map, copies of these can be found at APPENDIX A and APPENDIX B to this report.
2. Amend the CIA Policy to reflect the activity types of concern e.g. On Sales, Off Sales or Late Night Refreshment.
3. Amend the CIA Map to reflect the area of concern in line with the evidence presented.
4. Remove the CIA Policy completely

5. If the CIA Policy is approved for continuation in any format, officers to be authorised to update the Licensing Policy accordingly.

6. Recommendation to Full Council of the decision taken by Licensing Committee.

Wards Affected	Medworth, Clarkson, Peckover, Hill and Kirkgate
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Sam Clark, Portfolio Holder with responsibilities for Licensing
Report Originator(s)	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk
Contact Officer(s)	Dan Horn, Head of Housing & Community Support, Tel 01354 654321, Email: dhorn@fenland.gov.uk Carol Pilson, Corporate Director, Tel: 01354 622360, Email: cpilson@fenland.gov.uk
Background Paper(s)	The Licensing Act 2003 Section 182 Guidance to the Licensing Act 2003

4 Background / introduction

- 4.1 Full Council adopted the current Cumulative Impact Policy (CIP) on 12 May 2016.
- 4.2 Our current CIP covers predominately Wisbech Town Centre (Medworth Ward) but does cover some adjoining wards.
- 4.3 Within this CIP zone any person wishing to apply for a new premises licence or variation must provide additional evidence to show how they are not going to impact on the current issues the area is suffering.
- 4.4 The current CIP sits as an appendix to the Council Statement of Licensing Policy 2016 - 2021.
- 4.5 The introduction of the Cumulative Impact Assessment (CIA) was formally added to the Licensing Act 2003 by the Policing and Crime Act 2017, with effect from 6 April 2018.
- 4.6 Due to this recent amendment to the LA2003 Act, the Council, as the Licensing Authority, must look to review the CIA Policy every 3 years to ensure all evidence is relevant to the current issues.
- 4.7 During the last 2 years we have received 2 premises licence applications for off sales activity within the Cumulative Impact Area, both of these applications have demonstrated they would not add to the current issues and have therefore been granted by the Licensing Committee.
- 4.8 The applications were for Heron Foods - who applied for a new Premises Licence and Nene Supermarket - who applied for a Variation application to the existing licence.
- 4.9 On 23 July 2019, the Licensing Committee approved the consultation on the current CIA Policy. A copy of the minutes can be seen at <https://www.fenland.gov.uk/localgov/ieListDocuments.aspx?CId=138&MId=1379&Ver=4>

5 Considerations

- 5.1 The consultation on the Cumulative Impact Policy took place from 05 August 2019 until 13 September 2019.
- 5.2 All Responsible Authority officers and Interested Parties were notified by email of the CIA review. Notification of the CIA review was made available on our Council's website and in the Customer Service centres including Business Reception at Fenland Hall.
- 5.3 The CIA review document consultation was also published in the local newspaper and advertised on social media sites e.g. Facebook/twitter encouraging persons to have their say on the public consultation.
- 5.4 On our website within the consultation document we provided a link to our survey setting out 4 questions for members of the public to respond to the consultation:
 - Q1 - Would you like us to keep the current Cumulative Impact Assessment Policy in place?
 - Q2 - Would you like us to keep the Cumulative Impact Policy in place, but change the area where the policy takes effect?
 - Q3 - Would you like us to remove the current Cumulative Impact Assessment policy?
 - Q4 - If you have any further comments, please leave them here:

5.5 From the survey, we received 30 responses. Please see table below highlighting the responses received:

Question No.	Yes	No	Comments
Q1 - Would you like us to keep the current Cumulative Impact Assessment Policy in place?	27 = 90%	3 = 10%	N/A
Q2 - Would you like us to keep the Cumulative Impact Policy in place, but change the area where the policy takes effect	12 = 40%	18 = 60%	10 Comments made
Q3- Would you like us to remove the current Cumulative Impact Assessment policy?	4 = 13.33%	26 = 86.67%	N/A
Q4- If you have any further comments, please leave them here:	N/A	N/A	22 comments made

A full version of the survey responses including all the comments received can be seen at APPENDIX C to this report.

5.6 As you can see from the results above the survey is showing a favourable response to keep the CIA in place, however a mixed response with regard to changing the CIA area.

5.7 During the Consultation two of the Responsible Authority Officers responded, these were from Cambs Police and Public Health.

5.8 The response from Public Health can be seen at APPENDIX D to this report and highlights the concerns with alcohol related issues within the area.

5.9 The response from Cambs Police can be seen at APPENDIX E to this report and highlights a mixed view with regards to the policy and accurate data capture. Please be aware this response must be agreed to be accepted by Licensing Committee as it was submitted on 16 October 2019, which was after the consultation period had ended.

5.10 A further two responses were received from Interested Parties during the consultation period, these were from Wisbech Town Council and Fenland Community Safety/CCTV

5.11 The response from Wisbech Town Council can be seen at APPENDIX F to this report and shares the views of the Town Council in relation to this policy and the issues surrounding alcohol related concerns.

5.12 The response from Fenland Community Safety/CCTV can be seen at APPENDIX G to this report and highlights a decline in street drinking reported issues within the area.

6 Community impact

6.1 Community Impact Assessment was undertaken in relation to the adoption of a CIA Policy, however some changes may need to be made depending on the outcome of Licensing Committee decision on 02 October 2019. The draft impact assessment can be seen at APPENDIX H.

7 Conclusions

7.1 In summary the Licensing Committee have the below options:

- Keep the CIA policy and area as per the CIA map, copies of these can be found at APPENDIX A and APPENDIX B to this report.

- Amend the CIA Policy to reflect the activity types of concern e.g. On Sales, Off Sales or Late Night Refreshment.
 - Amend the CIA Map to reflect the area of concern in line with the evidence presented.
 - Remove the CIA Policy completely
- 7.2 If the CIA Policy is approved for continuation in any format, officers to be authorised to update the Licensing Policy accordingly.
- 7.3 Recommendation to Full Council of the decision taken by Licensing Committee

APPENDIX A - Current CIP Policy 2016 - 2021

APPENDIX B - CIZ Map showing licensed premises

APPENDIX C - Public Consultation Response

APPENDIX D - Public Health Consultation Response

APPENDIX E - Cambs Police Consultation Response

APPENDIX F - Wisbech Town Council Consultation Response

APPENDIX G - FDC Community Safety Consultation Response

APPENDIX H - Community Impact Assessment

Cumulative Impact Zone Special Policy 2016 – 2021

Fenland District Council

Cumulative Impact Policy

1.0 Legislative Framework

1.1 Fenland District Council, as the Licensing Authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998, and to promote the Licensing Objectives contained within the Licensing Act 2003, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 Due regard is had to Section 182 Guidance issued under Section 182 of the Licensing Act 2003, as revised in 2010 concerning the cumulative impact of licensed premises within an area, and the resultant impact on the promotion of the licensing objectives.

1.3 The cumulative impact of licensed premises on the promotion of the licensing objectives under the Licensing Act 2003 is a proper matter which the Licensing Authority can take into account.

1.4 This should not, however, be equated with the 'need' for a licensed premises. This relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for the market to decide, and does not form part of the Cumulative Impact Policy or wider Licensing Policy Statement.

2.0 Definition

2.1 For the purposes of the Fenland District Council Statement of Licensing Policy, cumulative impact is defined as:

'The potential impact on the promotion of the licensing objectives where there are a number of licensed premises concentrated in one area.'

2.2 Where the number, type and density of licensed premises are unusually high, serious problems of noise, nuisance and disorder can occur outside or some distance away from the licensed premises in question. This is described as the cumulative impact of all premises taken together.

2.3 It is recognised that the impact on surrounding areas in relation to the behaviour of patrons from a number of premises located in close proximity to one another is greater than the impact of individual premises.

Cumulative Impact Zone Special Policy 2016 – 2021

2.4 The issue of cumulative impact is also linked to:

- Any material increase in the occupant capacity of the premises;
- Any change in the nature of the operation of the premises. This may include a change to layout, the provision of vertical drinking, * the inclusion of regulated entertainment, the addition of other licensable activities, extension to the times regulated entertainment and alcohol is sold or supplied, both on and off the premises;
- Consideration will also be given to applications for premises seeking to provide late night refreshment between the hours of 11.00pm -5.00am.

3.0 Context

3.1 The Licensing Authority may receive relevant representations from either a 'Responsible Authority' or an 'Interested Party,' that the cumulative impact of new premises licences, material changes and variations to existing permissions is leading to an area becoming saturated with licensed premises.

3.2 The issue of cumulative impact will be taken into account when considering the individual merits of an application. The onus is on the person or organisation making representations to prove any assertion by way of evidence, that the addition of the premises concerned and/or a variation to activities, hours or a change in nature of operation will undermine the promotion of the licensing objectives.

3.3 The Licensing Authority will not operate a quota of any kind which would pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas unless there are clear, evidence based reasons for doing so.

3.4 Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide regulated entertainment, but with contrasting styles and characteristics.

3.5 Proper regard will be made to those differences and the impact they are likely to have on the local community. It is recognised that it may not always be possible to attribute issues to a particular premise, or patrons from a particular premises, but that cumulatively; there can be a negative effect.

4.0 Adoption of Cumulative Impact Policy

4.1 Consideration will be given to the infrastructure in place to facilitate the dispersal of patrons from an area, including the availability of late night bus services, taxis and street cleansing services when establishments offering food, alcohol and regulated entertainment close.

Cumulative Impact Zone Special Policy 2016 – 2021

- 4.2 A major concern for the Council is the level of alcohol related violent crime and alcohol related Anti Social Behaviour. This is particularly apparent in the town centre and its impact on policing the evening and night time economy.
- 4.3 The Council have considered:
- Evidence of serious concern, regarding the concentration of licensed premises that is undermining the promotion of the licensing objectives from a Responsible Authority, namely Cambridgeshire Constabulary.
 - Evidence from ‘Interested parties,’ to include local businesses, residents and representatives groups regarding noise, nuisance and disorder where a particular concentration of licensed premises in an area of Fenland is considered to be causing a negative impact on one or more of the licensing objectives.
- 5.0 What Does The Policy Do?
- 5.1 The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licence, club premises certificates or material variations to such will normally be refused if relevant representations are received.
- 5.2 Applicants must address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:
- (a) Not add to cumulate impact, and challenges already being experienced in the area or;
 - (b) Undermine the promotion of the licensing objectives.
- 5.3 The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area. This Policy takes effect where a relevant representation is received.
- 5.4 It must be stressed that the presumption to refuse an application does not relieve Responsible Authorities of ‘Interested Parties’ of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider giving effect to the Cumulative Impact Policy.
- 5.5 Where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, and it can be demonstrated that communities are under pressure because of it, this will be taken into account in determining any further applications or material changes to licensed premises within the area identified. This includes:
- The character of the surrounding area;

Cumulative Impact Zone Special Policy 2016 – 2021

- The impact of the licence on the surrounding area, both individually, and cumulatively with existing licences;
- The nature and character of the proposed operation;
- The availability of other support services at key times, for example street cleansing services;
- The impact upon the policing of an area.

6.0 Integration of Strategies

- 6.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the day and night time economy in the District.
- 6.2 The Licensing Authority recognises that as well as licensing legislation, there are a number of other mechanisms for addressing issues of noise, nuisance and anti social behaviour which occur in the vicinity of licensed premises. These include:
- Planning controls;
 - Ongoing measures to provide a safer and cleaner environment in partnership with residents, local businesses and others;
 - Powers to designate parts of the District which restricts the consumption of alcohol in designated public places;
 - Confiscation of alcohol in designated areas;
 - Police enforcement of the law with regard to disorder and anti-social behaviour;
 - Police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
 - The power of police, local businesses or residents to seek a review of the premises licence;
 - Enforcement action against those selling or supplying alcohol to people who are underage or already drunk.
- 6.3 The Licensing Authority may address a number of these issues through Community Safety Partnerships in line with the strategic objectives for crime and disorder reduction within the District.
- 6.4 The Licensing Authority and Cambridgeshire Police are aware of the problems associated with the town centre area in respect of alcohol related crime and disorder and have launched a number of initiatives to combat this including intelligence sharing about problem premises, joint licensing visits and targeted activity.
- 6.5 There is an established alcohol treatment referral scheme for those individuals who come into custody and investment in diversionary activities for young people.

Cumulative Impact Zone Special Policy 2016 – 2021

- 6.6 The Licensing Authority recognises that the Cumulative Impact Policy is one of a range of mechanisms to regulate activities of both premises and individuals, as part of a holistic approach which seeks to offer treatment to individuals and other interventions as appropriate.
- 6.7 Other measures include an established radio system to facilitate communication between licensed premises and exclude problem individuals from venues, CCTV coverage and monitoring of the centre, regular joint operations to monitor licensed premises, active use of dispersal orders.
- 7.0 Where Does The Cumulative Impact Policy Apply?
- 7.1 The Licensing Authority has applied a special Cumulative Impact Policy to an area around Wisbech Town Centre. This is identified on the map attached at Appendix A.
- 7.2 Police review of the Cumulative Impact Policy April 2016
- 7.3 Figures using the Police Recording system (CORA) show the number of incidents within the Wisbech Town Centre Wards. This system evidences the numbers reducing significantly since a partnership approach was adopted by Public Health, Trading Standards and Cambridgeshire Constabulary in preventing further proliferation of alcohol outlets within the CIZ area. Since the formation of the alcohol partnership agencies, health and mental health services have seen an increase in demand for support, as street drinkers are directly engaged and offered help.
- 7.4 Alcohol related incidents have moved away from a Night Time Economy issue to be one that currently involves the street drinking community. Increases in litter, public urination and defecation have been reported and these have mainly been in areas evidenced to be used by street drinkers. Some of the Town's historic areas have been targeted as they are out of sight of the CCTV cameras and the general public. Sugar Tub Lane and Ghost Lane are particularly impacted with Ghost Passage having seen large quantities of human excrement having to be cleared by the public health services.
- 7.5 Officers patrolling these areas have on occasions, been attacked by street drinkers and one PCSO has had a glass bottle thrown at him by an aggressive male who did not want to be moved on. Other areas of the CIZ and also in the town centre wards, including Tillery Park, Town Park and the St Peters Church gardens all suffer from street drinkers at various times throughout the day and often well into the early hours. Seven pre-planned dispersals have been utilised within the CIZ since 31/01/2014 within the CIZ targeting alcohol and or anti-social behaviours. These powers come under Section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 7.6 It is worth noting that the Constabulary uses a Secure Information Recording System called SIRCS which is operated by Empowering Communities and from January 2015 to April 2016 281 pieces of information were placed onto the system – most of this from the town centre alone relating to alcohol. This information has come from the Wisbech Pub Watch Group,

Cumulative Impact Zone Special Policy 2016 – 2021

Police and Horsefair Security. It evidences the strong shift from night time pub related issues to street drinking becoming an increasing problem.

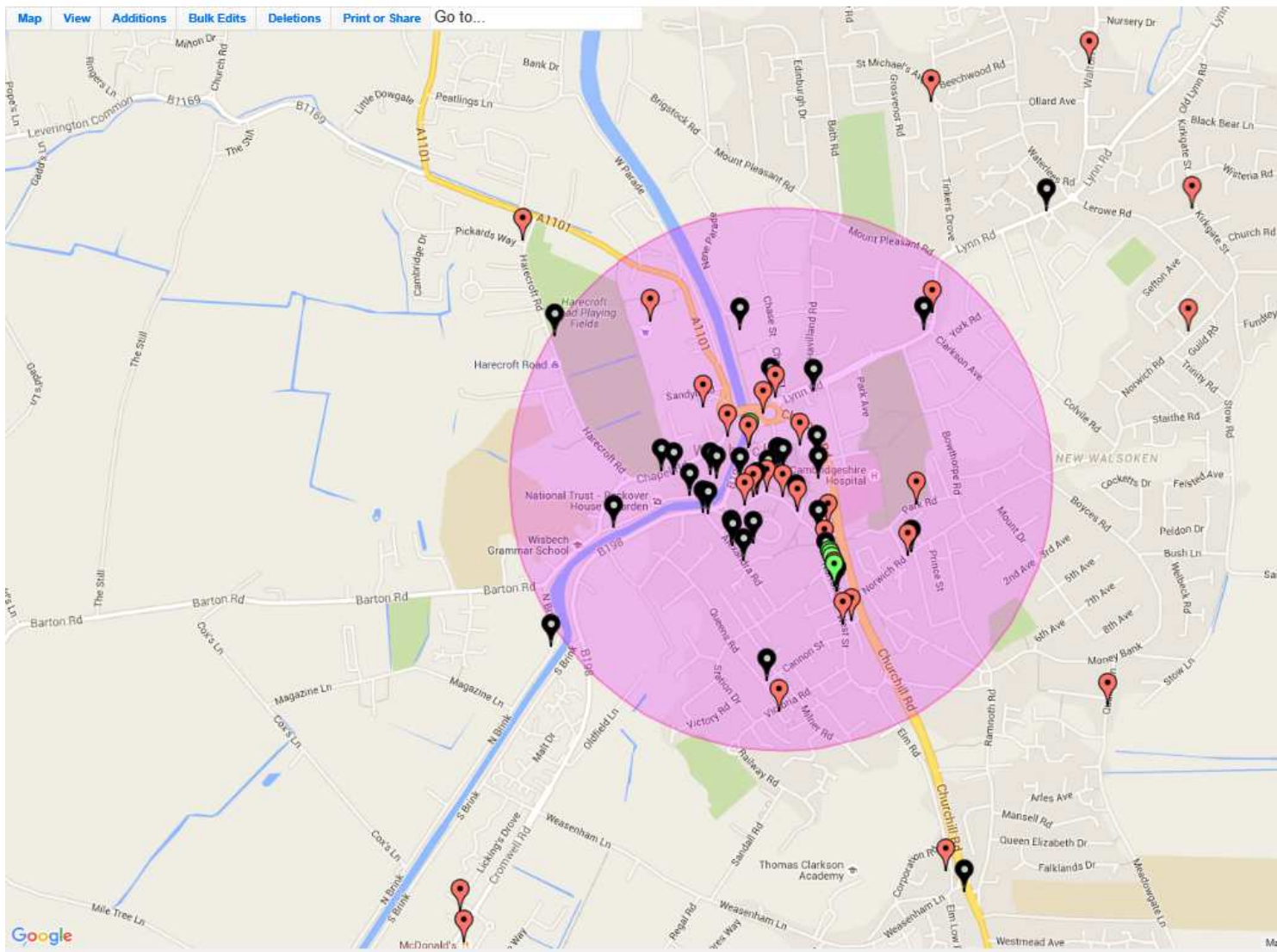
7.7 Offence/Incident Table

Offence/Incident	2012-2013	=+/-%	Offence/Incident	2014-2015	=+/-%
ASB	2,382 -2,159	-9.4%	ASB	1,881 -1,418	-24.8%
Alcohol Related Crime	970 -727	-25.1%	Alcohol related crime	786 – 781	-0.6%
Violence	721 – 662	-8.2%	Violence	231 – 151	-34.6%
Criminal Damage	580 – 502	-13.4%	Criminal Damage	497 - 483	-2.8%
Alc related Violence	30 - 23	-23.3%			
Historic Figures used for CIZ Policy					
Offence/Incident	2009	2010	2011	= + / - %	
Violent Crime	516	454	504	-2.3%	
Alcohol related Violent crime (% of total violent crime)	211 (40.9%)	188 (41.1%)	244 (48.4%)	+15.8% (+7.5%)	
Antisocial behaviour	1858	1543	1480	-20.3%	
Alcohol related ASB (% of total ASB)	508 (27.3%)	498 (32.3%)	533 (36.0%)	+4.9% (+8.7%)	
Criminal Damage	377	372	314	-16.7%	
Alcohol Related Criminal Damage (% of total criminal damage)	46 (12.2%)	58 (15.6%)	69 22.0%	+50% (+9.8)	

7.8 It is still evident that in areas of street drinking there is a high proportion of alcohol related ASB, urination and defecation, with the associated impact this has on public perception and fear of crime. The local community have made this one of their local priorities for the police to tackle and the ability to deliver on this priority has been facilitated through the benefits provided by the CIZ Policy.

7.9 As part of the CIZ review, incidents outside of the CIZ were considered and the decision has been that the current geographical limits of the CIZ area remain both appropriate and proportionate for the town at this time. Consideration was given to extending the area covered but it is believed that this would not significantly improve the current effectiveness of the CIZ area.

Cumulative Impact Zone Special Policy 2016 – 2021



Map key:

Red Markers – Off Sales Premises

Black Markers – On Sales Premises

Green Markers – Late Night Refreshment Premises (23:00hrs onwards)

Purple circle – indicates approximate area of current CIZ area

Version: 3.0

Status: Final

Date: 12/05/2016

8.0 Conclusion

- 8.1 The conclusion drawn in respect of the evidence is that where relevant representations are submitted, the Cumulative Impact Policy should aim to limit the number of new or material variations to licensed premises. The rebuttable presumption to refuse such remains in place.
- 8.2 The Licensing Authority believes that the presence of a Cumulative Impact Policy in the designated area will support and assist the range of strategies in place to tackle alcohol related crime and disorder.
- 8.3 Accordingly, the Licensing Authority has resolved to maintain the Cumulative Impact Policy. The Policy will come into effect where relevant representations are received, will seek to prevent a further increase in the number of licensed premises and material changes to licences within that area.
- 8.4 The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, off licences, and take away premises with off licences. Any further expansion of licensed premises and the evening or night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive town centre for all that is a safe and pleasant place to be in. This will be balanced against any likely negative impact on the licensing objectives.
- 8.5 The Licensing Authority has resolved that the Cumulative Impact Policy is one such measure to facilitate this, and ensure that the correct balance is sought.

Cumulative Impact Zone Special Policy 2016 – 2021

REVISION HISTORY

Version	Status	Date of Issue	Reason for Change	Sections
V 01	Draft – approved Licensing Committee	15/01/2016	First Draft	All
V 02	Approved – Licensing Committee	19/04/2016	Reviewed and final edits made	All
V 03	Final – Approved Full Council	12/05/2016		All

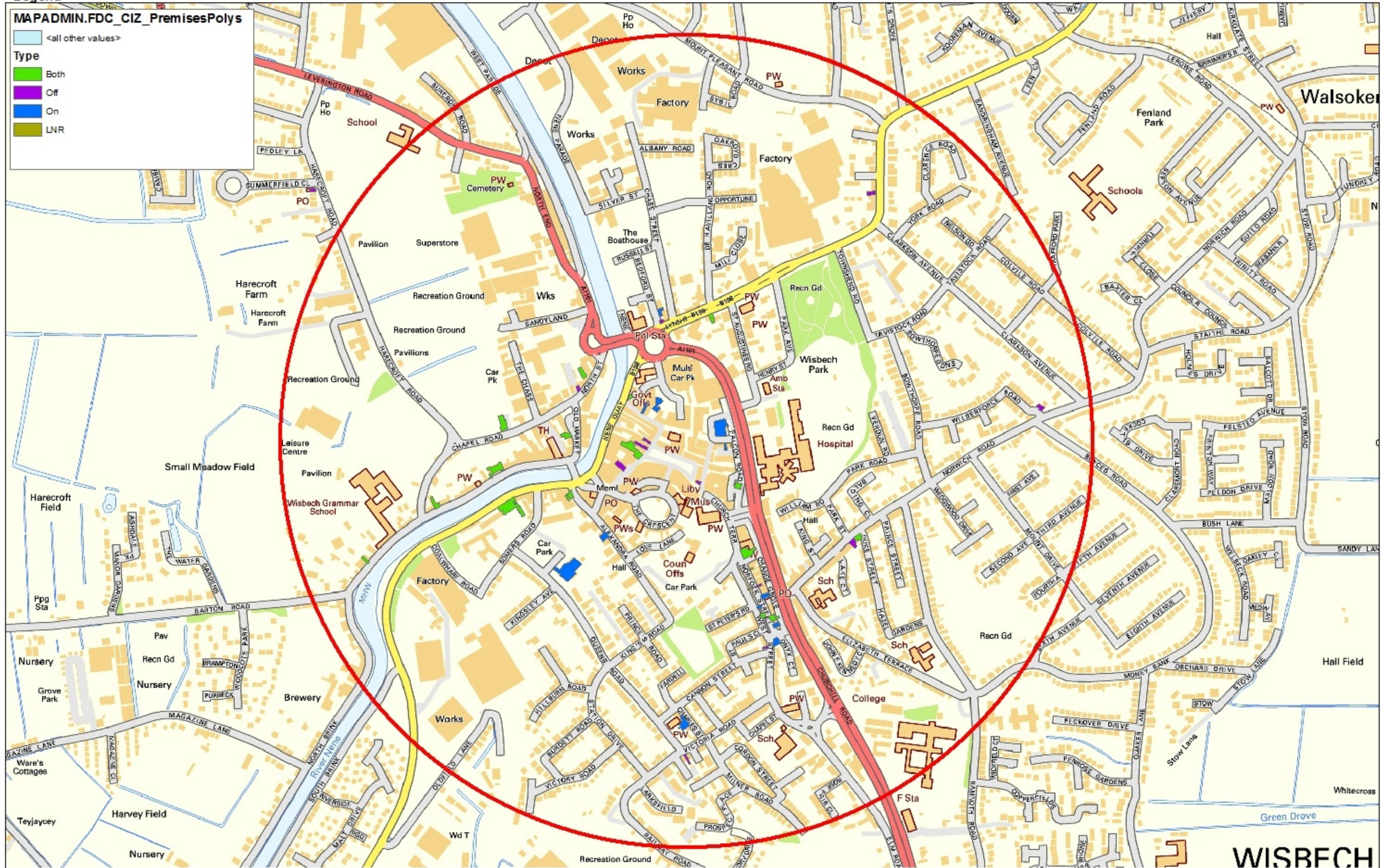
Legend

MAPADMIN.FDC_CIZ_PremisesPolys

<all other values>

Type

- Both
- Off
- On
- LNR



Created on: 13/09/2019

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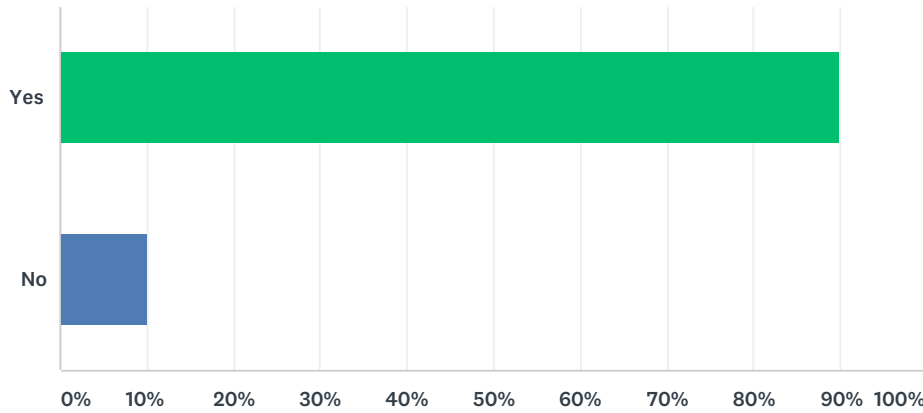
CIZ

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Q1 Would you like us to keep the current Cumulative Impact Assessment Policy in place?

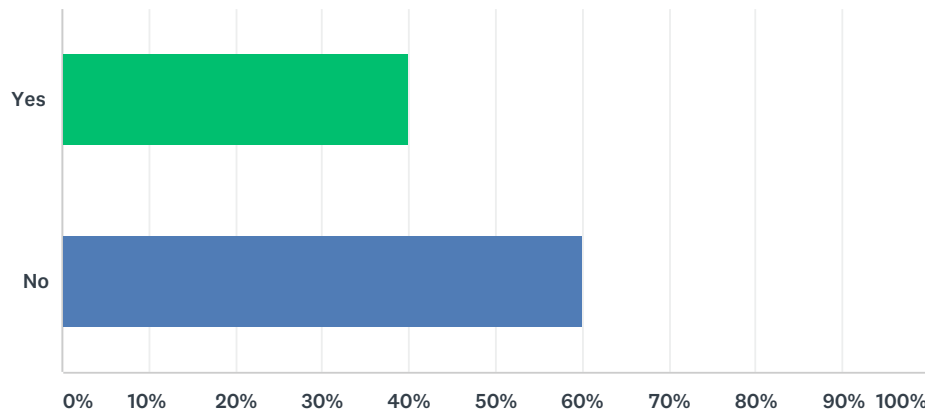
Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.00%	27
No	10.00%	3
TOTAL		30

Q2 Would you like us to keep the Cumulative Impact Policy in place, but change the area where the policy takes effect?

Answered: 30 Skipped: 0

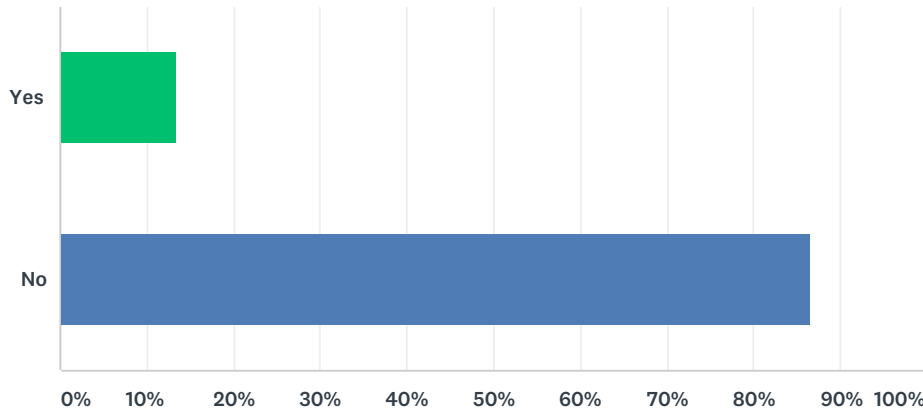


ANSWER CHOICES	RESPONSES	
Yes	40.00%	12
No	60.00%	18
TOTAL		30

#	IF YES, WHICH AREA(S) SHOULD WE REMOVE OR CHANGE?	DATE
1	No street drinking unless a license is granted for an event.	8/16/2019 9:43 PM
2	The area should be extended to cover a larger area. The drinking problems appear to have been pushed further out away from the town centre. There are considerable numbers of drinkers frequenting the open spaces further out from the town and dumping cans and bottles in open spaces and verges.	8/8/2019 5:17 PM
3	Needs to cover all wards in Wisbech	8/8/2019 3:24 PM
4	Extend the area ensure all green spaces are covered.	8/8/2019 1:34 PM
5	Extend to cover more public areas, but pull in if there are no public areas or only roads. The current area just looks like someone has drawn a circle on a map with very little thought.	8/8/2019 1:22 PM
6	Find a way to police the areas. The way its enforced at the moment does nothing	8/8/2019 11:50 AM
7	Should be changed to cover the entire town centre and all public recreational grounds like the park and gardens etc.	8/8/2019 11:47 AM
8	Include West Street, John F Kennedy Court, Wisbech, the small seating area near D'Licious Cafe, Market Place, but allow for when there is a event taking place. Cut the hours of when you can purchase alcohol to shorter hours.	8/8/2019 11:44 AM
9	The whole of Wisbech town centre including little shops around any open spaces.	8/8/2019 11:26 AM
10	Keep it and make it wider	8/8/2019 11:15 AM

Q3 Would you like us to remove the current Cumulative Impact Assessment policy?

Answered: 30 Skipped: 0




ANSWER CHOICES	RESPONSES	
Yes	13.33%	4
No	86.67%	26
TOTAL		30

Q4 If you have any further comments, please leave them here:

Answered: 22 Skipped: 8

#	RESPONSES	DATE
1	I am responding personally and on behalf of the Friends of St Peter's Gardens and Tillery Field. Both areas have been badly affected by street drinking and the ready availability of alcohol. The benches in the 'blind garden' of St Peter's gardens had to be removed because of street drinking and anti-social behaviour and numerous incidents have been reported to the Police and Fenland District Council. Anti-social behaviour caused by street drinking can only get worse if the Policy is abandoned.	9/12/2019 6:07 PM
2	Lets be fair here, we have to many places to buy alcohol from in at very small area. Yet we wonder why we have a street drinking problem.	9/11/2019 2:42 PM
3	There are to many drunks not only in town but surrounding villages.To many shops selling illegal booze and cigarettes.Elgood pubs wanting to stay open till 3 in the morning ,absolutely crazy.	9/7/2019 3:30 PM
4	An application has been made to create a nightclub at The Angel ph. This would be seriously detrimental to the surrounding areas, as it would increase the availability of alcohol during later hours than previously. Under the present timings, there are frequent fights in Lover Lane and the accompanying car park, as well as disturbances in Ghost Passage, Museum Square and the Crescent.	8/29/2019 3:44 PM
5	Whatever measures can be retained or further introduced to counter anti-social problems associated with alcohol consumption in central Wisbech are to welcomed.	8/18/2019 4:42 PM
6	Although this policy mostly concerns the town center, the whole issue of granting alcohol licensing in Wisbech needs to be reviewed.	8/17/2019 1:42 PM
7	Far too many licenses given to shops in the town centre. Not only do they take trade away from town centre pubs but encourages town centre alcohol problems .	8/16/2019 9:43 PM
8	There is excessive drinking in Wisbech as a whole. Empty beer cans and spirit bottles litter the town everywhere. Why has FDC continuously issued licences within Wisbech, even against police advice	8/12/2019 9:22 AM
9	It's not licensed premises that are wrong it's the shops selling alcohol cheaply. I have seen people coming out of the shops with alcohol and then heading for the church gardens. The people who buy this cheap beer and spirits don't buy from licensed premises.	8/11/2019 12:25 PM
10	Too many alcohol licences and for too many hours by far in Wisbech. Needs to be a massive reduction in the number of shops selling alcohol in Wisbech Town centre	8/9/2019 12:19 AM
11	Any policy in place is worthless unless it is implemented and that is not happening now with sufficient rigour	8/8/2019 7:51 PM
12	NO alcohol to be served in the town at all during the hours of 8am and 6pm including the supermarkets unless it is bought with groceries	8/8/2019 5:42 PM
13	Walsoken already has enough off licenses and this should be extended to include more of the Wisbech town.	8/8/2019 5:17 PM
14	Wisbech has far to many outlets now. No need for heron foods to become one too	8/8/2019 4:00 PM
15	This should be enforceable by the same people who enforce litter, we don't have enough police on the streets to do this. No more new off licences and if they break the rules remove licence.	8/8/2019 1:34 PM
16	This policy is fine but is it being policed? Big clear up for Rose Fair, but since ? Saw drinkers near St. Peter's today but no police etc around. If it's not policed it's worthless.	8/8/2019 1:22 PM
17	There must be some way to stop in sociable behaviour in our lovely town. Other places do. We have been in Great Yarmouth this week. Alot of very run down areas but not a drunk person anywhere. Also the law to be put in force where people urinate and more in areas where people walk especially St Peters Gardens	8/8/2019 11:50 AM

Cumulative Impact Assessment Policy

18	Amore pro-active approach should be taken to clamp down on drink related crime. You simple cannot rely on members of the public reporting incidents as any action taken would be far too late to achieve anything. A zero tollerance approach should be taken.	8/8/2019 11:47 AM
19	Having the shops that seems to sell alcohol 24/7 needs to be tightened up, selling alcohol at 6 am right through to shops closing time is only feeding the problem, which then can cause even more problems in residential areas.	8/8/2019 11:44 AM
20	All shops should have certain times they can serve alcoholic beverages the same as pubs	8/8/2019 11:26 AM
21		8/8/2019 11:15 AM
22	I feel there are too many licensed premises in town. I strongly feel that no further licenses should be granted for premises in the CIZ and that problem premises should have their licenses reviewed.	8/7/2019 8:00 PM

ref: CIZ Wisbech
Your ref:
Date: 13/09/2019
Contact: Joe Keegan
PA: 01733 207176
E Mail: joseph.keegan@cambridgeshire.gov.uk

Public Health Directorate
Box SH1108
Shire Hall
Castle Hill
Cambridge
CB3 0AP

Michelle Bishop
Licensing Manager
Fenland District Council

By Email

Dear Michelle,

Thank you for your recent communication regarding the consultation on the Licensing Cumulative Impact Policy. As you will be aware, since April 2013, Directors of Public Health (DPH) have been included as Responsible Authorities under the Licensing Act 2003. Although the protection of public health is not a discrete licensing objective, it can be pertinent to each of the licensing objectives. The role of the DPH is to help promote the health and wellbeing of the local populations they serve. Promotion of the licencing objectives, which collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who socialise in licensed premises is an important contribution to this.

I am writing in support of the continuation of a Cumulative Impact Policy (CIP) in Wisbech. These comments have been formulated using relevant data and evidence, and guidance from Public Health England and the Office on National Statistics.

The impact of alcohol on health and wellbeing of Wisbech residents:

Public Health England's evidence of review of the impact of alcohol and the effectiveness of alcohol control policies⁽¹⁾ states that alcohol is now the leading risk factor for ill-health, premature death and disability in people aged between 15 and 49, the fifth leading risk factor for ill-health across all age groups. Alcohol is known to be a cause of over 200 health conditions and has a number of social negative impacts, including loss of earnings or unemployment, family or relationship problems and problems with the law. Many of these harms affect both the drinker and those around them, including families, friends and strangers. These harmful effects place considerable economic burden on the government and health system, and individuals

- (1) Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost- Effectiveness of Alcohol Control Policies – an evidence review.
- (2) National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24
- (3) Fenland Community Safety Strategic Assessment December 2017

affected; the Cabinet Office estimate placed the economic costs of alcohol in England at around £21 billion in 2012.

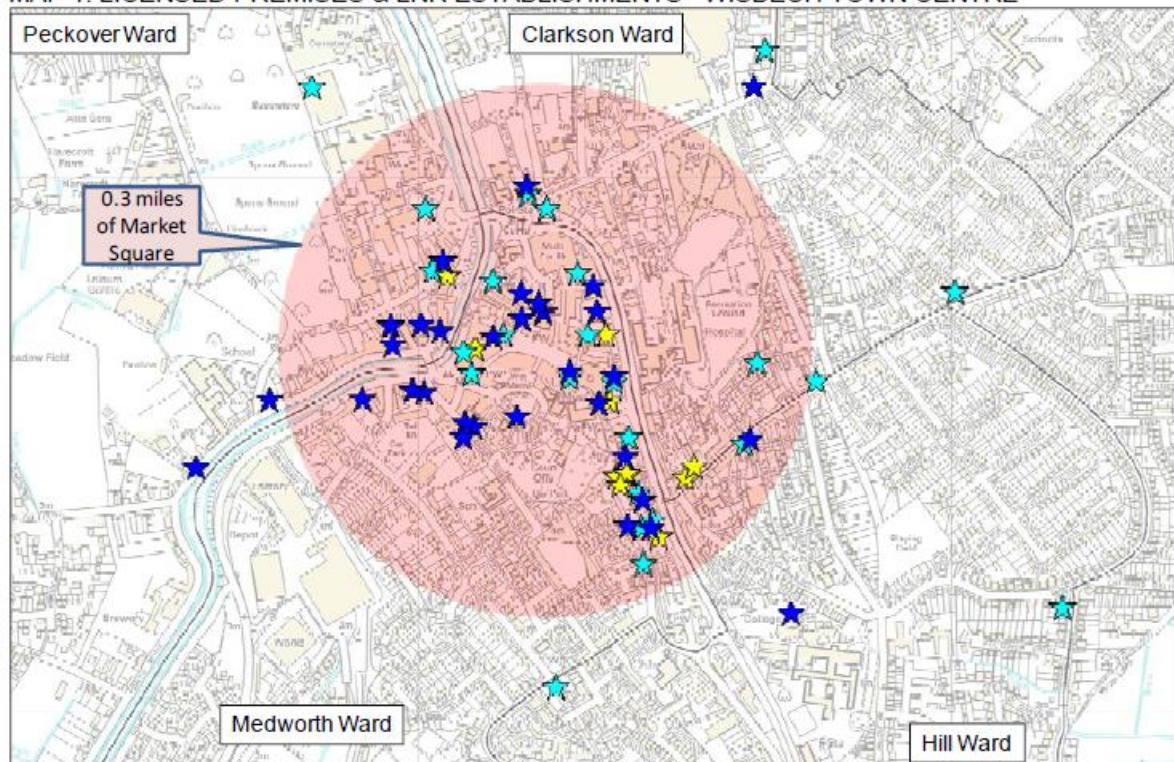
There are inequalities associated with alcohol-related harm, with children, women and people with lower socioeconomic status all experiencing higher levels of alcohol-related harm. In the English population, rates of alcohol-specific and related mortality increase as levels of deprivation increase and alcohol-related liver disease is strongly related to socioeconomic gradient. This is particularly relevant in Wisbech which has wards in the 10% most deprived in the country. In terms of life expectancy, a man in Fenland can expect to live around 4 years less than a man in South Cambridgeshire (Source ONS – Life expectancy at birth).

The link between alcohol outlet density and alcohol-related harms:

A considerable body of research examines the relationship between alcohol outlet density (AOD) and alcohol-related harms. This shows that areas with more deprivation tend to have greater AOD which means that regulating the local availability of alcohol has the potential to reduce health inequalities⁽¹⁾, which supports the use of a CIZ in Wisbech which has high levels of deprivation.

A question has been raised as the public health response was being prepared about the size and shape of the CIZ area in Wisbech and if the current CIZ could be refined following the review of the CIZ. Map 1 shows the current CIZ area.

MAP 1: LICENSED PREMISES & LNR ESTABLISHMENTS– WISBECH TOWN CENTRE

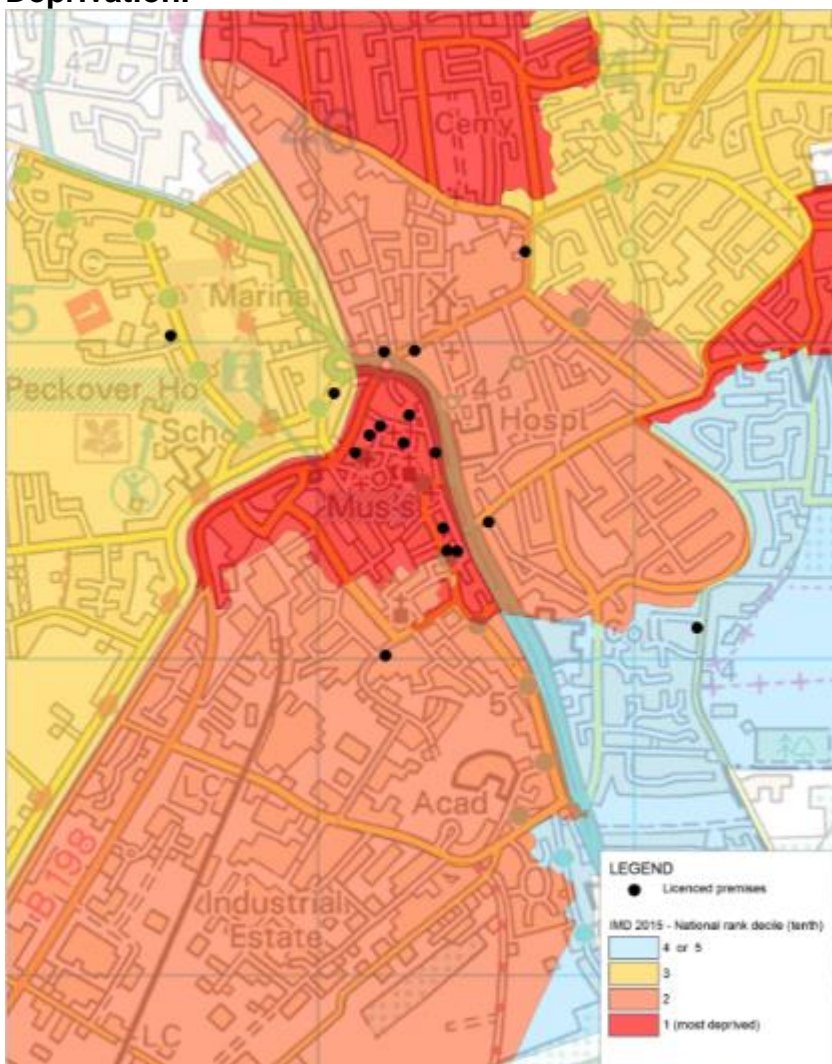


★ On Licensed Premises ★ Off Licensed Premises ★ Late Night Refreshment Establishment

- (1) Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost- Effectiveness of Alcohol Control Policies – an evidence review.
- (2) National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24
- (3) Fenland Community Safety Strategic Assessment December 2017

The current CIZ covers all premises including off licenses, pubs, night time venues and restaurants and applies within the 0.3 mile radius of Wisbech Market Square. This approach has the potential to impact across all types of venues irrespective of the neighbourhood, facilities, level of responsibility of the owners and mitigating measures to reduce harms around alcohol misuse. Public Health are most concerned to prevent the proliferation of off licenses in particular in areas of high deprivation selling cheaper products typically higher in strength. Taking such an approach would lead to a more limited CIZ with an more evidence based geography. The County Council Public Health Intelligence Team have mapped areas of deprivation in Wisbech by location of the current off license premises see Map 2 below.

Map 2 – Showing location of current off licenses compared to Index of Multiple Deprivation.



IMD - Indices of Multiple Deprivation. An LSOA ranked in the most deprived decile is within the 10% most deprived LSOAs in the country.

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Produced by Public Health Intelligence, CCC

- (1) Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost- Effectiveness of Alcohol Control Policies – an evidence review.
- (2) National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24
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Using Local Super Output Areas (LSOA) it is possible to focus in on smaller geographical areas at sub ward level. The map above shows that out of 17 current off licenses in the current CIZ area, 9 of them are located in a super output area which are in the 10% most deprived in the country. Also 15 out of the 17 are in wards which are within the bottom 20% most deprived in the country.

The National Institute for Health and Care Excellence (NICE) public health guideline on the prevention of alcohol-use disorders⁽²⁾, concludes that reducing the number of outlets selling it in a given area and the days and hours when it can be sold, is an effective way of reducing alcohol-related harm. The guidelines recommend that a cumulative impact policy should be used where an area is saturated with licensed premises and the evidence suggests that additional premises may affect the licensing objectives.

The need for a cumulative impact policy in Wisbech:

I support the need for a CIP in Wisbech in line with the following objectives:

(i) The prevention of crime and disorder:

There is a high density of premises selling alcohol in the most deprived wards in Wisbech. There is strong evidence for a relationship between AOD and problems associated with social disorder⁽¹⁾ which affects the health and wellbeing of a local population. The Index of Multiple Deprivation (2015) (IMD) shows that 16 out of 17 premises are located in LSOA which are in the bottom 20% of areas in the country and 9 are in the bottom 10%. In addition, areas of Wisbech are subject to a Public Space Protection Order as a result of high levels of anti-social behaviour within the area. Minimising growth of AOD in specific areas of Wisbech is therefore important in preventing crime and disorder, and protecting the health and wellbeing of the local population.

(ii) Public safety:

Alcohol-related hospital admissions are a significant issue in Wisbech with many of the associated public health indicators being worse in Wisbech than the England average. This demonstrates that alcohol is affecting the health and safety of Wisbech residents.

Hospital admission episodes for alcohol-specific conditions, DASR per 100,000, 2017/18

Fenland Ward	Sum of episodes	DASR per 100,000	Lower CI	Upper CI
Bassenhally	-	147.7	59.0	304.8
Benwick, Coates & Eastrea	9	210.5	94.3	402.7
Birch	8	343.9	146.1	680.9

- (1) Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost- Effectiveness of Alcohol Control Policies – an evidence review.
- (2) National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24
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Clarkson	35	1,324.0	918.5	1,846.0
Doddington & Wimblington	21	386.6	235.1	596.8
Elm & Christchurch	19	352.6	210.0	553.6
Kirkgate	16	744.4	421.8	1,213.9
Lattersey	-	124.0	17.6	379.9
Manea	-	252.9	70.0	612.8
March East	56	729.4	548.4	950.4
March North	32	443.1	302.4	626.3
March West	31	421.8	280.4	606.8
Medworth	87	3,018.5	2,414.5	3,727.0
Octavia Hill	52	892.3	663.9	1,173.1
Parson Drove & Wisbech St Mary	23	390.5	243.8	591.0
Peckover	18	825.8	484.6	1,311.8
Roman Bank	43	586.1	409.6	807.7
Slade Lode	16	607.1	343.6	990.6
St Andrews	11	301.5	147.2	544.4
Staithe	-	237.0	75.5	554.9
Stonald	18	979.6	579.5	1,549.4
The Mills	-	250.6	91.3	545.9
Waterlees Village	50	1,023.7	755.3	1,355.2
Wenneye	-	206.0	73.3	452.0
Fenland	577	585.1	537.9	635.3
Cambridgeshire	3,452	547.9	529.8	566.6
England		570.0		

(-) small number suppressed

Source: HES - PHI HES pivot for local data, England on fingertips

 Statistically significantly worse than England

The town of Wisbech is comprised of 7 wards (Medworth, Peckover, Clarkson, Staithe, Octavia Hill, Kirkgate and Waterlees). Out of these 5 of the wards awards (excluding Kirkgate and Peckover) have alcohol related hospital admissions which are statistically significantly worse than England and higher than the rest of Fenland. The rate of alcohol related hospital admission in Medworth, which has the highest rates, is over 5 times that of the rest of the district of Fenland. Medworth is also the ward where the majority of the off licenses in Wisbech are located, followed by Clarkson another area of concern.

Alcohol related-road traffic accidents are a significant issue in Fenland. Impairment by alcohol is one of the top ten factors contributing to road traffic incidents where people were killed or seriously injured on Fenlands roads⁽³⁾. Minimising the availability of

- (1) Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost- Effectiveness of Alcohol Control Policies – an evidence review.
- (2) National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24
- (3) Fenland Community Safety Strategic Assessment December 2017

alcohol is therefore important to protect the health and safety of Wisbech residents and visitors.

(iii) The protection of children from harm:

Children and young people are more vulnerable to alcohol related harm. Families may be affected by alcohol in a variety of ways including violence, financial problems, absenteeism from school and disrupted relationships, and there is a strong relationship between alcohol misuse and child maltreatment ⁽¹⁾. A number of studies have identified that higher levels of AOD are associated with greater alcohol related consumption and alcohol-related harm, including those that affect children, such as violence. Minimising the growth of AOD in Wisbech, is therefore important to protect children from harm.

Summary:

Alcohol can have significant negative health, social and economic impacts on communities, many of which are heightened in areas of high alcohol outlet density, such as Wisbech. In addition, there are inequalities associated with alcohol-related harm, with more deprived communities, such as those in the Wisbech area experiencing greater levels of harms. In line with the licensing objectives outline above, I therefore support the continuation of the cumulative impact policy in Wisbech. I would recommend though that Fenland District Council re-considers the geographical boundaries of the CIZ and which types of licensing venues it applies to. Off licenses in particular are a concern especially the concentration in the wards of Medworth and Clarkson.

Yours sincerely,



Dr Liz Robin
Director of Public Health
Cambridgeshire County Council

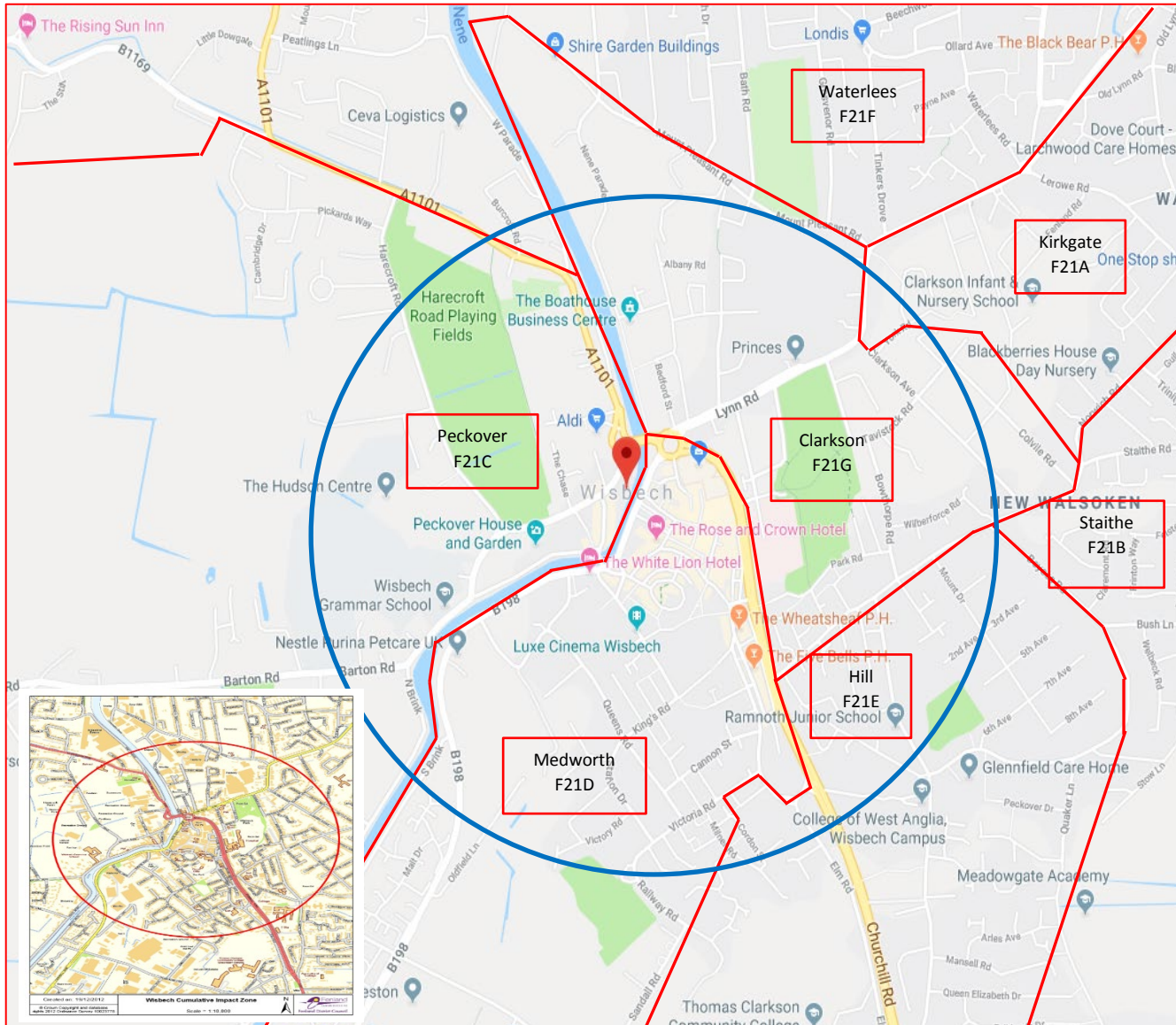
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- (2) National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24
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APPENDIX E

Wisbech Cumulative Impact Area (CIA) – Consultation – Police Licensing response.

Wisbech Ward Areas & Cumulative Impact Area

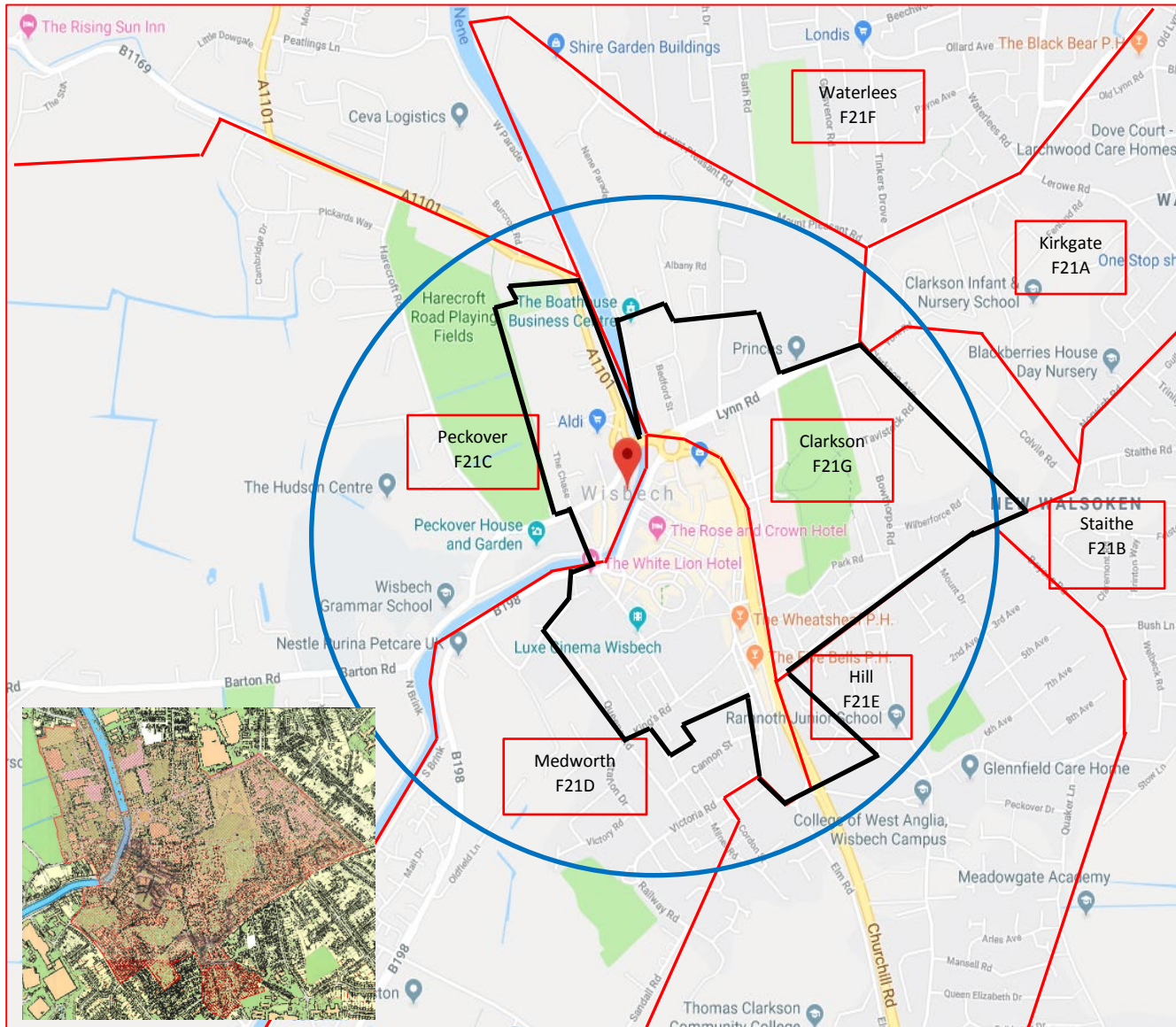


Wisbech Cumulative Impact Area was adopted in June 2013, re-adopted in 2016, and is now being considered for adoption for a further 3 years. The CIA allows a rebuttable presumption that unless proved otherwise that further licensed premises will add to the cumulative impact of licensed premises.

The original Wisbech CIA map (inset) has been re-illustrated and overlaid by the wards of Wisbech (left). The indiscriminate circle (CIA) takes in part of 5 wards of Wisbech Town:

- Peckover
- Medworth
- Hill
- Clarkson
- Kirkgate

Wisbech Public Space Protection Order



Wisbech PSPO (Black Outline) was adopted on 20.10.2017 and lasts for 3 years. The PSPO states “Any person drinking alcohol must upon the request of an authorised person or Constable, stop drinking what is reasonably believed to be alcohol and hand over to the authorised person or Constable what is reasonably believed to be alcohol and any container for alcohol”.

There are 3 defined areas within the overall PSPO, which are in **Medworth Ward**

- Tillery Park
- Memorial Gardens
- St Peter’s & Pauls Church

where two further condition define that “The possession by any person of an open container or open container filled wholly or partly with alcohol is prohibited”, and “Any person found in possession of an open container or containers, reasonably believed to contain alcohol, must hand it/them over to a Constable or authorised person if required to do so”.

1. CADET Data - search limited to whole of FENLAND.

Alcohol Related Crime – FENLAND

Earlier Period		Later Period		% Change	So far in 19-20	
From	To	From	To		From	To
Apr-16	Mar-17	Apr-17	Mar-18			Apr-19
513		559		+9%	164 Crimes over 5 months which is 66% of whole year 2018-19 42% higher than similar months 2018-19	
Apr-17	Mar-18	Apr-18	Mar-19			
559		246		-56%		

Crimes raised by Cambridgeshire Constabulary on Athena (post May 2018) where alcohol has been involved *should* be marked with one or more of the following tags called 'keywords' and can be found searching crimes using said 'keywords' –

- Alcohol (suspect Intoxicated)
- Alcohol (victim Intoxicated)
- Alcohol

Crimes recorded by the Constabulary prior to the introduction of Athena (pre May 2018) can be sourced on CamNet 'Command & Control' and CamNet 'Crimefile' links. Similarly each crime or incident should have a closure code of 'Alcohol' if alcohol was involved.

CADET data is an aggregate data set covering the whole of Fenland. The graphic above shows that there has been a significant decrease in alcohol related crime across Fenland by 56% - a reduction of 313 alcohol related crimes compared year on year.

When we check current data figures within CADET we can see that already there is an increase in alcohol related crime across Fenland from Apr 2019 to August 2019 compared to the whole reporting year of April 2018 to March 2019. We see we are already at 66% of last year's figures 5 months into this year, and 42% higher than April 2018 to August 2018 (115 – 164 = 49 Crimes **+42.6%**).

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I believe that this is because of the change in Crime recording software implemented by the Constabulary in April 2018. The significant reduction can be as a result of the crime recording change and lack of ‘Alcohol’ markers being applied. Recent changes have seen training and awareness of the need to apply appropriate markers as part of a reporting program back to Central Government – which includes alcohol – which will result in the increase in alcohol data.

2. Crimefile Data (Alcohol Related)

LOCATION	Period		% Change Year on Year Crime (Alcohol)
	From	To	
	Apr-15	Mar-16	
Peckover	335 (42)		-
Clarkson	319 (46)		-
Medworth	1010 (116)		-
	Apr-16	Mar-17	Crime 15/16
Peckover	400 (57)		+16.25 (+26.4)
Clarkson	348 (51)		+8.4 (+9.9)
Medworth	1161 (125)		+13.1 (+7.2)
	Mar-17	Apr-18	Crime 16/17
Peckover	355 (38)		-11.25 (-33.4)
Clarkson	473 (68)		+26.5 (+25)
Medworth	1434 (135)		+19.1 (+7.5)
	Apr-18	Mar-19	Crime 17/18 16/17
Peckover	390 (18)		+9 (-52.6) (-68.5)
Clarkson	489 (23)		+3.3 (-66.2) (-55.0)
Medworth	1342 (50)		-6.5 (-62.9) (-60.0)

3. Incident Data (Alcohol Related)

LOCATION	Period		% Change Year on Year Incident (Alcohol)
	From	To	
	Apr-15	Mar-16	
Peckover	1181 (88)		-
Clarkson	1339 (133)		-
Medworth	3017 (299)		-
	Apr-16	Mar-17	Incident 15/16
Peckover	1284 (138)		+8.1 (+36.3)
Clarkson	1371 (139)		+2.4 (+4.4)
Medworth	3103 (377)		+2.8 (+20.7)
	Mar-17	Apr-18	Incident 16/17
Peckover	1014 (113)		-21.1 (-18.2)
Clarkson	1362 (158)		-0.7 (+12.1)
Medworth	3086 (297)		-0.6 (-21.3)
	Apr-18	Mar-19	Incident 17/18 16/17
Peckover	870 (72)		-14.3 (-32.3) (-47.9)
Clarkson	1120 (104)		-17.8 (-34.2) (-25.2)
Medworth	2614 (320)		-15.3 (+7.2) (-15.2)

Above tables show **Crime & Incident data** recorded between Apr 2015 and March 2019. Figure in brackets shows alcohol related element of those crimes and incidents. Percent change year on year shows +/- variation year on year.

We can see that there has been a significant reduction in alcohol related crime and incidents year on year. Despite a small increase in general crime in Peckover and Clarkson 2018/19 we see a large decrease across all wards. Similarly with alcohol related incidents - despite a small increase in Medworth in 2018/19 compared to 2017/18 figures - Medworth still shows a significant decrease on 2016/17 figures. **However Medworth clearly shows the most alcohol related issues.**

I am confident that alcohol markers recorded on Incidents have not changed or been influenced as seriously as they may have been with the software change with Crimes. I am can rely on incident alcohol data.

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In **Medworth (F21D)** there were 102 reported incidents involving alcohol from April 19 to August 19. Between April 2018 and August 2018 we had 129 incidents. This is a reduction of 21% year on year and is 31% of last year’s total figure of 320 incidents. We can conclude that there has been a **reduction** in alcohol related incidents in Medworth during the reporting period.

In **Peckover (F21C)** there were 40 reported incidents involving alcohol from April 19 to August 19. Between April 2018 and August 2018 we had 34 incidents. This is an increase of 15% year on year and is 55% of last year’s figure of 72 alcohol related incidents. We can conclude there may have been an **increase of alcohol** related incidents in Peckover during the reporting period.

In **Clarkson (F21G)** there were 56 reported incidents involving alcohol from April 19 to August 19. Between April 2018 and August 2018 we had 55 incidents. This is

Location	Street Drinking			+/- %	Alcohol Violence			+/- %	Alcohol Criminal Damage			+/- %	Alcohol Rowdy / Nuisance			+/- %	Alcohol Domestic Incident			+/- %
	16/17	17/18	18/19		16/17	17/18	18/19		16/17	17/18	18/19		16/17	17/18	18/19		16/17	17/18	18/19	
Wisbech (All) F21	32	29	17	-46.0	133	137	128	-5.8	12	6	4	-66.0	205	147	145	-29.3	194	213	180	-7.3
Peckover F21C	2	6	0	-	25	15	6	-76.0	1	3	1	-	32	20	12	-62.5	14	12	7	-50.0
Clarkson F21G	6	4	2	-66.0	15	19	20	+25.0	1	0	0	-100	23	22	13	-43.5	28	26	17	-39.3
Medworth F21D	24	17	14	-41.0	50	51	60	+16.0	8	1	0	-100	107	71	84	-21.5	22	34	43	+49.0
Hill F21E	0	0	1	+100	11	14	11	-	0	1	0	-100	12	10	9	-25.0	23	33	31	+26.0

an increase of 1.8% year on year and is 54% of last year’s figure of 104 alcohol related incidents. There has been a **marginal increase of alcohol** related incidents.

3. Incident Data Breakdown

The Incident data below shows associated alcohol data for incidents recorded in all wards that make up the CIA. Figures shown are year on year with a (+/-) percentage difference on 2016/17 compared to 2018/19 Figures. Generally across the board we can see significant decreases in alcohol related incidents.

Police crime data (including ASB) reports showed that the number of ‘**alcohol-related ASB incidents**’ in Wisbech has reduced significantly between 2016/17 and 2018/19 from 205 incidents to 145 incidents, a reduction of 29.3%. This is replicated across the wards, including those wards that make up the current CIA, with greater reductions in Peckover and Clarkson, and a similar reductions in Medworth. The only increases we do see is with Alcohol related violence and domestic incidents in Clarkson and Medworth and Medworth and Hill respectively. **Medworth sees the most amount of Alcohol related incidents.**

Local Policing

I canvassed local Policing for their views on alcohol related issues in Wisbech. Street drinking remains a real concern for the community and partners. Street drinkers present as homeless and other vulnerable groups. They have no means of transport it is reasonable to conclude that the alcohol they are consuming is being purchased within the CIA.

Local officers believe that there is still an issue with street drinkers in Wisbech. Social media discussion forums are frequently referencing Wisbech Street drinking. Officers see less of it, **but it still takes place and can be an issue**. Within the town centre the public's primary concern, as canvassed by Police Officers, is that of street drinking and there appears to be plenty of it happening around town with evidence of empty cans and bottles.

Incidentally there have only been **6** reports made to the Police of street drinking between 01st April 2019 and 16 September 2019 compared to 10 recorded incidents over the same period in 2018. **This is a 60% reduction.**

Conclusion

Crime data submitted by the Police Licensing Officer cannot be relied upon for an accurate picture of how alcohol is impacting the area of Wisbech. The Wisbech CIA is an indiscriminate circle which fits within parts of 4 larger wards namely Peckover, Clarkson, Medworth and Hill. The data provided is a percentage data picture for the combined sectors rather than the CIA alone (so will be naturally elevated). We can see that alcohol related incidents and crime have significantly decreased across the board with one or two exceptions. This reduction could be as a result of a software change within the Constabulary in 2018, and a decrease in alcohol markers being applied to crimes and incidents as a result. It could be as a result of a genuine reduction of alcohol related issues in Wisbech or it could be a result of under reporting with a change in priorities due to resourcing. It is not absolutely clear with marginal numbers.

Police Licensing has seen a decline in information and intelligence, incidents and crimes directly attributed to licensed premises. Whilst residents may be anecdotally informing other partners, this information is not being relayed back to the Police / Licensing Authority and as such providing the valuable information / intelligence needed for those responsible authorities to proactively deal with problem premises. This may be because it is not being flagged in a specific way that would make it easier to find or that the general public are not routinely reporting problems directly to the Police anymore through acceptance of the problem or presumption that nothing gets done. Similarly when we look at alcohol related violent crime the majority come back to residential or street addresses and do not directly correlate to a specific licensed premises.

Crime is not strictly laid at the street drinker's feet, other issues include domestic violence and violence associated to the night time economy including late night refreshment venues, although not so common, also contribute towards the alcohol harm in Wisbech.

Restricted – Police / Responsible Authorities Only

It is my opinion that the CIA map is too indiscriminate and makes it hard for authorities to measure and evidence the issues that the CIA is there to address. I believe the CIA boundary must be reviewed and replaced by a smaller clearer defined area. It is clear from existing data that Medworth has the highest number of alcohol related crime and incidents. It also has a small concentration of independent off licenses which may be impacting / contributing to the current issues. However, Medworth also takes in the main industrial retail area as it extends down to the A47 (a considerable area) and has numerous superstore and high footfall public retail areas offering alcohol.

The current Public Space Protection Order (PSPO), which is more clearly defined also refers to 3 other specific areas notorious for street drinking and alcohol harm. These areas are Tillery Park, Memorial Gardens and St Peters & St Pauls Church **located within Medworth**.

The effect of adopting a CIA is to *“create a rebuttable presumption”* that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. The negative impact as I am made aware is ‘Street Drinking’. We can address this with appropriate conditions placed upon the license specifically seeking voluntary refusal to sell beer, lager or cider over 6.5%Abv.

The Local Authority statement of licensing Policy should allow for the circumstances of each application to be considered properly and for the applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted, subject to appropriate and reasonable mediation. As it stands I am not confident that Police representation against the grant of a Premises License would be upheld should there be an appeal at the Magistrates Court. I recommend that rather than a blanket Cumulative Impact Area defined by an indiscriminate circumference, a clear defined area should be redefined / identified with a clear program of work between partners / responsible authorities to **deal with Off License premises** and the negative impact **street drinking** is having on the town centre.

PC1572 Grahame Robinson
Police Licensing Officer
Partnership & Ops Support
Thorpewood Police Station

CONSULTATION RESPONSE WISBECH TOWN COUNCIL

This matter was considered by Wisbech Town Council at its 19 August 2019 meeting.

At that meeting various comments were made by a number of councillors; I set out below a summary of those comments, which collectively constitute Wisbech Town Council's response to the consultation exercise:

- it is disappointing when a policy is put in place to address an issue but fails to do so; that is the case with the Wisbech Cumulative Impact Policy
- although the intention of the policy is laudable, it is not effective; reducing the number of premises which are allowed to sell alcohol does not reduce the supply; all that it does is "protect" existing licensed premises, even if they are not run well, from potential competition
- this policy allows the Licensing Authority to refuse applications for new premises licences and for variations of existing licences and that in cases where applicants had lodged an appeal against the refusal of a licensing application by the Licensing Authority, those appeals had been granted
- continuation of this policy would cause no harm, as it is so weak
- the issue which this policy seeks to address is a national one and, consequently, it requires a national (rather than local) solution
- the policy may have made a difference to the number of licensed premises in Wisbech but the real issue is the need for the Licensing Authority to ensure compliance with the law by the existing licensed premises (to prevent them selling alcohol after their licensed hours and to persons who are already intoxicated at the time of alcohol purchase)
- this policy has no impact upon the existing licensed premises in the town; it simply prevents new ones
- although the Cumulative Impact Policy has been in force for a number of years, the street drinking situation is worsening; therefore, the policy would seem not to be working
- the presumption of the policy is to refuse applications for additional outlets for the sale of alcohol; such an approach prevents potentially good businesses from opening in the town but "protects" existing ones which may be run poorly
- perhaps the policy should be focussed upon particular types of retail sales of alcohol; for example, "corner shop" style off-licensed premises. The sale of alcohol with a meal in a restaurant does not have the same implications as selling over the counter at a shop
- the policy is not working but that does not necessarily mean that it should be abandoned. However, it should be acknowledged that this policy is not the means by which to achieve a reduction in street drinking in Wisbech.

Regards

Terry Jordan

Clerk to Wisbech Town Council

APPENDIX G

FENLAND COMMUNITY SAFETY/CCTV

Community Safety has completed work to understand the impact of street drinking and associated ASB.

Other than data from FDC CCTV operators which is dated July 2019 the partnership and community data I can provide is dated November 2018 and copied below.

The police reports and CCTV data indicate the problems being experienced are seasonal and there has been a downward trend.

Community feedback indicates there remains concern amongst those people who live, work or visit the town. The locations where people think the problems are at their worst are all within the current geographic area of the CIZ.

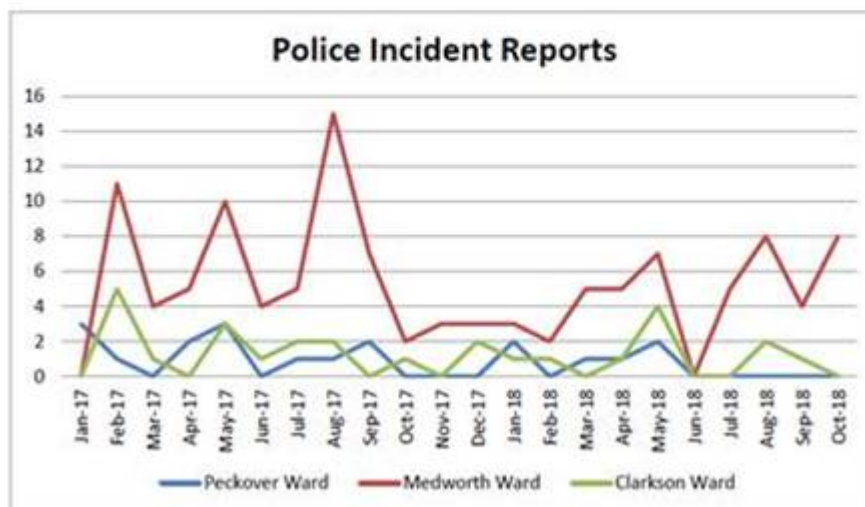
During July 2019 there was 2 specific complaints made to FDC through the online ASB reporting option regarding street drinking in St Peters Church Gardens.

I believe there is a requirement for the CIZ to remain in place. However, there is the potential to reduce the area covered to reflect the locations of community concern.

Partnership Data

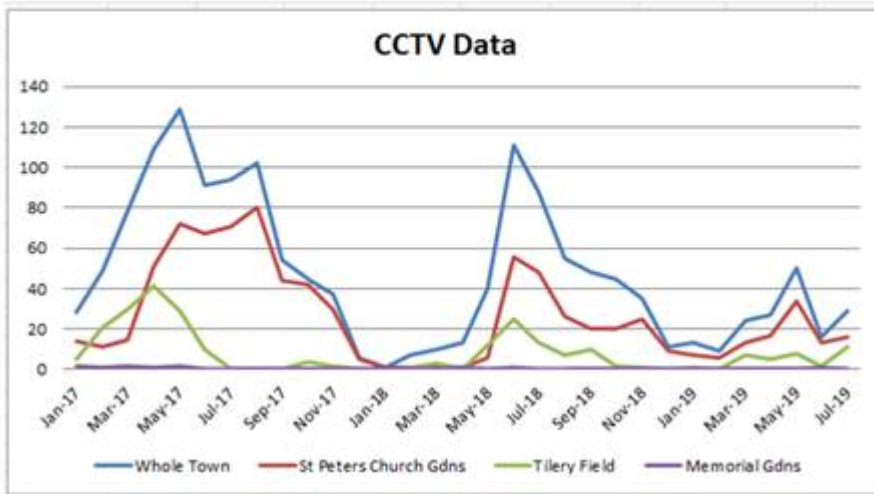
Police Data:

Recorded incidents identified as Street Drinkers and Rowdy / Nuisance which are indicated as being street drinking. Locations are ward areas of Peckover, Medworth and Clarkson.

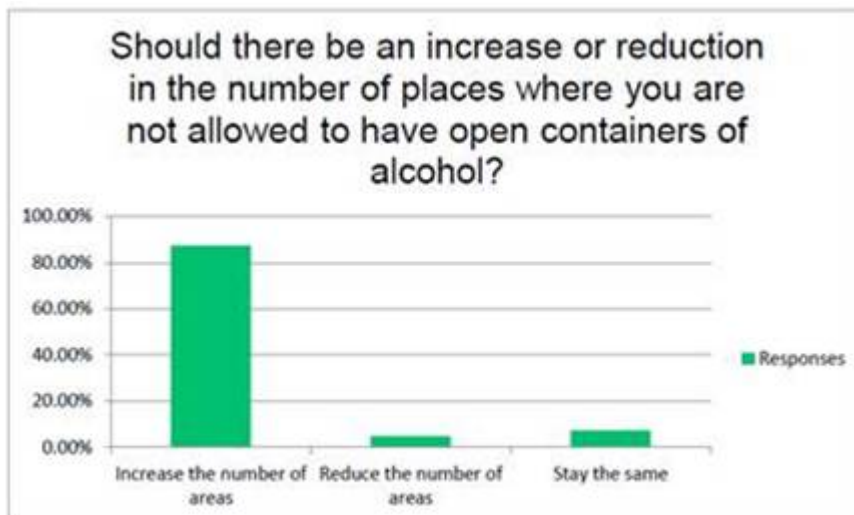


Fenland CCTV Data:

Street drinking incidents observed by CCTV



Community Feedback



Where do you think the 3 worst areas are for alcohol related anti-social behaviour in Wisbech?

Location 1

Peter s gardens Old market park town centre Wisbech
park Church mews **St Peter s gardens** St Peters
Church town St Peters Gardens
Wisbech St Peters Street Peters Church
Gardens Crescent market place Memorial Church
Gardens area

Location 2

Crescent Church Mews Town Beales Memorial
Gardens road **Wisbech park** Market Place
park area gardens behind St Peter West street
Church St Peter s Old Market Norfolk Street Wisbech
Town centre

Location 3

area Road Market Place Tillery Field Crescent Wisbech
Memorial Gardens Old market Park car
park gardens Church Town field Town
centre next St Peters Around Wisbech park cafe

Alan Boughen
Community Safety Partnership Officer
Fenland District Council

Assessing Equality – The Equality Act 2010

Customer Impact Assessment

Name and brief description of policy being analysed

Briefly summarise the policy including any key information such as aims, context etc; note timescales and milestones for new policies; use plain language – NO JARGON; refer to other documents if required

Policy being reviewed - Cumulative Impact Policy (CIA) October 2019

The Council as the Licensing Authority has a statutory duty to review its Cumulative Impact Assessment Policy (CIA) which currently sits under the Statement of Licensing Policy 2016 - 2021. This review is due to a change in the legislation, whereby the CIA Policy has been given legal standing within the Licensing Act 2003. This came into effect in April 2018.

The current policy was adopted at Full Council and came into effect on 12 May 2016.

The Licensing Act 2003 states that if the CIA policy is adopted by Local authorities then it must be reviewed every 3 years. This policy must only be adopted if there is sufficient evidence indicating a need for such a policy.

The CIA Policy if adopted will be renewed every three years and the draft policy will cover the period of 2019 - 2022

Information used for customer analysis

Note relevant consultation; who took part and key findings; refer to, or attach other documents if needed; include dates where possible

The Responsible Authority Officers act as a main consultee:

Fenland District Council – Environmental Health
 Fenland district Council – Health & Safety
 Cambridgeshire Constabulary
 Cambridgeshire Fire & Rescue
 Safeguarding & Standards – Protection of Children from harm
 Fenland District Council -Planning Authority
 Trading Standards
 Public Health
 Wisbech Town Council

Assessing Equality – The Equality Act 2010

Fenland Community Safety
 Fenland Street Scene
 Fenland Refuse & Cleansing

Public Consultation

Comments were requested from the Public Consultation that took place from 05 August 2019 until 13 September 2019. The draft policy was advertised in the local newspaper and by social media feeds for example Facebook. It was also available on our Council website and in our Customer service centres.

To make it easier for the public we created a survey link with 4 questions attached.

The questions asked were:

Q1 - Would you like us to keep the current Cumulative Impact Assessment Policy in place?

Q2 - Would you like us to keep the Cumulative Impact Policy in place, but change the area where the policy takes effect?

Q3 - Would you like us to remove the current Cumulative Impact Assessment policy?

Q4 - If you have any further comments, please leave them here:

This CIA has taken into account any comments made during the consultation process and will also reflect any changes that are made with the draft policy following the Licensing Committee approval on 02 October 2019

	Could particularly benefit	Neutral	May adversely impact	Explanations	Is action possible or required?	Details of actions or explanations if actions are not possible Please note details of any actions to be placed in your Service Plan
Race	<input type="checkbox"/>		√		N	
Sex	<input type="checkbox"/>	√	<input type="checkbox"/>		N	
Gender reassignment	<input type="checkbox"/>	√	<input type="checkbox"/>		N	
Disability	<input type="checkbox"/>	√	<input type="checkbox"/>		N	

Assessing Equality – The Equality Act 2010

Age		√	<input type="checkbox"/>		N	
Sexual orientation	<input type="checkbox"/>	√	<input type="checkbox"/>		N	
Religion or belief	<input type="checkbox"/>		√		N	
Pregnancy & maternity	<input type="checkbox"/>	√	<input type="checkbox"/>		N	
Marriage & civil partnership	<input type="checkbox"/>	√	<input type="checkbox"/>		N	
Human Rights	<input type="checkbox"/>	√	<input type="checkbox"/>		N	
Socio Economic		√	<input type="checkbox"/>		Y / N	
Multiple/ Cross Cutting	<input type="checkbox"/>	√	<input type="checkbox"/>		Y / N	

Outcome(s) of customer analysis

a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative neutral positive

No major change needed Adjust the policy Adverse impact but continue Stop and remove / reconsider policy

Arrangements for future monitoring:

Note when analysis will be reviewed; include any equality indicators and performance against those indicators

If approved the next CIA analysis will take place when the Cumulative Impact Assessment Policy is reviewed in 2022, although an annual desk top review will take place for any new impacts with policy implementation.

Details of any data/ Research used (both FDC & Partners):

Results of the public Consultation carried out from 05 August 2019 until 13 September 2019

Completed by:

Name: Michelle Bishop

Position: Licensing Manager

Approved by (manager signature):

Date published: This should be the date the analysis was published on the website

Assessing Equality – The Equality Act 2010

Details of any Committee approved by (if applicable):	Date endorsed by Members if applicable:

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Agenda Item No:	5	
Committee:	Licensing	
Date:	02 October 2019	
Report Title:	Review of Gambling Statement of Policy Document - Gambling Act 2005	

1 Purpose / Summary

- To update Members on the outcome of the public consultation for the draft policy document.
- Members to consider the results of the consultation on the draft Statement of Gambling Principles for the period of 2019 - 2022.

2 Key issues

- On 23 July 2019, the Licensing Committee approved the draft policy for consultation. A copy of the minutes can be seen at <https://www.fenland.gov.uk/localgov/ieListDocuments.aspx?CId=138&MId=1379&Ver=4>
- The consultation for the draft policy took place from 5 August 2019 until 6 September 2019.
- No consultation responses were received from the public in respect of the draft policy
- One response was received from consulted partners... this was from Wisbech Town Council which was in support of the draft policy.

3 Recommendations

- Recommendation to Full Council that the draft Statement of Gambling Principles be approved for the period of 2019 - 2022. A copy of the draft report can be seen at APPENDIX A

Wards Affected	All Wards
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Sam Clark, Portfolio Holder with responsibilities for Licensing
Report Originator(s)	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk

Contact Officer(s)	Dan Horn, Head of Housing & Community Support, Tel 01354 654321, Email: dhorn@fenland.gov.uk Carol Pilson, Corporate Director, Tel: 01354 622360, Email: cpilson@fenland.gov.uk
Background Paper(s)	The Gambling Act 2005 Gambling Commission Guidance to Local Authorities, 5th Edition

4 Background / introduction

- 4.1 The Council as the Licensing Authority has a statutory duty to review its Statement of Principles under the Gambling Act 2005 every three years. The current policy was adopted at Full Council and came into effect on 12 May 2016.
- 4.2 The Gambling Act requires each Licensing Authority to prepare and publish a Statement of Principles under the Gambling Act. The statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives namely:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
 - Ensure gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.3 The Gambling Policy is to be renewed every three years and the draft policy will cover the period of 2019 - 2022
- 4.4 On 23 July 2019, the Licensing Committee approved the draft policy for consultation. A copy of the minutes can be seen at <https://www.fenland.gov.uk/localgov/ieListDocuments.aspx?CId=138&MId=1379&Ver=4>

5 Considerations

- 5.1 The consultation on the draft Statement of Gambling Principles took place from 5 August 2019 until 6 September 2019.
- 5.2 All statutory consultees were notified by email of the draft Gambling Policy. Notification of the draft policy was also given to Town Councils, made available on our Council's website and in the Customer Service centres.
- 5.3 The draft policy was publicised in the local newspaper in line with the legislation and promoted on social media by the use of Facebook/Twitter.
- 5.4 Responsible Authorities, resident associations and other public consultees were invited to comment on the draft policy.
- 5.5 A response was received from Wisbech Town Council which was in support of the draft policy being approved. The details of the response can be seen below.
 - This matter was discussed by Wisbech Town Council at its meeting on 19 August 2019.

Members of the council indicated that, since the lowering significantly of the maximum jackpots that could be won on gambling machines, they have little concern with regard to licensed premises within towns. Their primary concern now relates to the easy access to on-line gambling activities. Councillors acknowledge that most people enjoy the occasional "flutter", which causes no issues for the individual or their families, but are aware that gambling can become, for some people, an addiction which can have significant implications (economically and socially) for them and others.

The conclusion of Wisbech Town Council is that Fenland District Council's "Gambling Policy Statement of Principles" (Gambling Act 2005) looks at the real issues in relation to gambling and deals with them in a sensible manner.

6 Community impact

6.1 Community Impact Assessment was undertaken in relation to the draft policy for the Gambling Statement of Principles. The impact assessment can be seen at APPENDIX B.

7 Conclusions

7.1 The recommendation to the Licensing Committee is to:

- Recommend to Full Council that it adopts the revised Statement of Gambling Principles as attached at APPENDIX A of the report.

APPENDIX A - Draft Statement of Gambling Principles 2019 - 2022

APPENDIX B - Community Impact Assessment

FENLAND DISTRICT COUNCIL

GAMBLING ACT 2005

GAMBLING POLICY
STATEMENT OF PRINCIPLES

2016-2019 2019 - 2022

FOREWORD

This Gambling Statement of Principles is produced by Fenland District Council under the 2005 Gambling Act and will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing ~~xx xx 2019~~^{on 31st January 2016}.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission – and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. ~~These Local Authority is/ies~~ ~~are responsible for~~ ~~issuing~~ ~~for issuing~~ a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned, and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make Fenland District Council a safe and welcoming place for both residents and visitors to enjoy.

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PART A - OVERVIEW

1. INTRODUCTION

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

2. THE LICENSING OBJECTIVES

- 2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 The Licensing Authority notes that the Gambling Commission has stated that 'the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.'

2.3 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) requires gambling premises to undertake a local risk assessment taking into consideration the local information.

2.4 This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- 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
- in accordance with the Authority's Gambling Licensing Policy Statement of Principles

3. DESCRIPTION OF THE DISTRICT

- 3.1 The Fenland District Council is situated in the County of Cambridgeshire, which comprises five District and City Councils and one County Council. The District has a population of 96,000 Cambridgeshire County Council Mid-Year

Estimates, 2005) and covers an area of 54,547 hectares. The main centres of population are in the towns of Chatteris, March, Whittlesey and Wisbech. A map of the Fenland District is at **APPENDIX 1**

4. RESPONSIBILITIES UNDER THE ACT

- 4.1 The Act ~~has~~ introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by [Licensing Authorities](#), [depending](#) on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Fenland District Council is the Licensing Authority for the Fenland District.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - provide facilities for betting
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - Promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for [premises with](#) gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- in accordance with any relevant codes of practice;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the Licensing Objectives, subject to the two bullet points above; and
 - in accordance with the Licensing Authority's Gambling Statement of Principles, subject to the three bullet points above,
- 4.6 Before the Licensing Authority can determine an application for a Premises Licence, an Operating Licence must have been obtained from the Gambling Commission.

5. STATEMENT OF LICENSING POLICY

- 5.1 The Licensing Authority is required by the Act to publish a Gambling Statement ~~-of of Principles of Principles~~ which contains the principles it proposes to apply when exercising its functions under the Act.
- 5.2 In this document this is referred to as 'the Policy'. This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3 This Policy takes effect on ~~xx xx 2019~~ 12 May 2016

6. CONSULTATION

- 6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition ~~to~~ the statutory consultees (at 6.2), the [Council chose](#) to consult with additional local groups and individuals.
- 6.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- The chief officer of police for the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 6.3 The other groups and people consulted ~~were:-~~
- Organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;
 - Other tiers of local government;
 - Businesses who are, or will be, holders of [a GA05](#) Premises Licences;
 - Responsible Authorities under the Act.
- 6.4 Copies of the Policy were placed for inspection in the public libraries of the ~~area as~~ area as well as Fenland Hall and other Council offices for inspection during normal office hours.
- 6.5 The Licensing Authority's consultation took place between ~~(To be confirmed)~~ xx xx 2019 and xx xx 2019

7. APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on ~~(to be confirmed)~~ xx xx 2019 and 2019 and was published via the authority's website. Copies are available on request.

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to ~~apply~~ ~~for~~ apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Gambling Act 2005.

8. DECLARATION

8.1 In producing the Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities by the Gambling Commission and any responses from those consulted during the consultation process.

8.2 Any information and guidance contained within this policy is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Council's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations issued under the Act.

8.3 This council recognises its diverse responsibilities under the equality act and will monitor the impact of these statutory duties through its various corporate schemes such as an Equality Impact Assessment.

9. RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in the APPENDIX 2 of this document. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.

9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

- The competency of the body to advise the Licensing Authority;
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority will liaise with the Cambridgeshire Safeguarding and Standards Unit for the protection of children from harm.

10. INTERESTED PARTIES

- 10.1 Interested Parties can make representations about licensing ~~applications~~
~~or applications~~ apply or apply for a review of an existing licence.
- 10.2 In determining whether a person is an interested party, the Licensing Authority will apply the following principles. The first principle is that each case will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making and will consider the examples of considerations provided in the ~~Gambling Commission's~~Gambling Commission's Guidance
~~for~~Guidance for local authorities. 'Business interests' is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.
- 10.3 Section 158 of the Act defines interested parties. ~~To accept~~To accept a representation from an interested party, the licensing authority must take the view ~~that the~~that the _____ person:
- 'lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - has business interests that might be affected by the authorised activities,
 - represents persons who satisfy paragraphs (a) or (b).'
- 10.4 Licensing authorities will need to have regard ~~to anything~~to anything an interested party says about their status to make representations.
- 10.5 There are a number of factors that the licensing authorities will take into account when determining whether a person 'lives sufficiently close to the premises'. These may include:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person ~~making the~~making the representation
 - The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
 - the circumstances of the person who lives close to the premises.
- This is not the personal characteristics, but their interests which may be relevant to the distance from the premises.
- 10.6 Interested parties can be persons who are democratically elected, such as District and Parish Councillors and MPs, as persons representing individuals in the other categories. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.
- 10.7 Save for democratically elected persons, licensing authorities should satisfy themselves on a case by case basis that a person does represent interested parties, The Licensing Authority will generally require some form of written confirmation that a person is authorised to represent an interested party.

11. EXCHANGE OF INFORMATION

11.1 The Licensing Authority is required to include in the policy a statement of how it intends to exercise the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, Section 350 of the Act allows licensing authorities to exchange information with other persons or bodies as listed in Schedule 6(1) as:

- A constable or police officer
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal
- The Secretary of State

11.2 The principle that the Licensing Authority will apply is that it will act in accordance with the provisions of the Act in its exchange of information will have regard for:

- [Provisions of the Gambling Act 2005, which include the provisions that the Data Protection Act 1998 will not be contravened](#)
- [Data Protection Act 1998](#)
- [General Data Protection Regulation \(GDPR\)](#)
- [Guidance issued by the Gambling Commission](#)
- [Human Rights Act 1998](#)
- [Environmental Information Regulations 2004](#)
- [Freedom of Information Act 2000](#)
- [Crime and Disorder Act 1998](#)

12. PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13. COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will endeavour to be:

- Proportionate - Intervention will only be when necessary.
- Remedies - should be appropriate to the risk posed and costs identified and minimised.
- Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

- 13.2 The Licensing authority will have regard to the District Council's Prevention, Intervention and Enforcement (PIE) approach to enforcement.
- 13.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 13.4 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal ~~Licences~~Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

14. DELEGATION OF POWERS LICENSING AUTHORITY FUNCTIONS

14.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs and miners' welfare institutes* who wish to undertake certain gaming activities via issuing *Club Gaming Permits* and/or *Club Machine Permits*
- issue *Club Machine Permits to Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the *Licensing Act 2003*) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the *Licensing Act 2003*, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Gambling Commission regarding details of *licences issued* (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

~~14.1 The Council has agreed a scheme of delegation for discharging its functions under the Act.~~

- 14.2 It should be noted that Licensing Authorities are not involved in licensing remote gambling at all; this is regulated by the Gambling Commission via operating licences.
- 14.3 It should be noted that Licensing Authorities are not involved in spread betting activities, which are regulated by the Financial Conduct Authority.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

15. DELEGATION OF POWERS

15.1 The Council has agreed a scheme of delegation for discharging its function under the Act and this can be seen at **APPENDIX 3**

16. GENERAL PRINCIPLES

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

16.2 Decision Making

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

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- to be reasonably consistent with the Licensing Objectives, subject to the two bullet points above; and
- in accordance with the Licensing Authority's Policy subject to the three bullet points above.

~~16.2~~ **16.3 Definition of Premises:**

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

~~16.3~~ **16.4** The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

~~16.4~~ **16.5** The Licensing Authority takes into account the Gambling Commission's guidance to Licensing authorities which states that licensing authorities should take particular care in considering applications for multiple licenses for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and is aware that:

- The third Licensing objective seeks to protect children from being harmed by gambling, which in practice means not only preventing them from taking part in gambling activity but also preventing them from being in close proximity to gambling establishments. 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
- Customers should be able to participate in the activity named on the Premises Licence

16.6 The Licensing Authority is aware that the Gambling Commission guidance provides relevant access provisions for each premises type and suggests a list of factors to be considered during the application process. The Licensing Authority will consider these and other relevant factors on making its decision, depending on all the factors of the case.

16.516.7 Demand:

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

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16.616.8 Location:

Location will only be material consideration in the context of the Licensing Objectives. This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

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

16.716.9 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be ~~avoided~~ where avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

16.816.10 Licensing Objectives:

Premises ~~Licences~~ Licenses granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime:
Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of ~~-~~gambling premises in terms of this licensing objective.

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

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

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

- Protecting children and other vulnerable persons from being harmed or exploited by [gambling](#):

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

Entrances to and exits from parts of a building covered by one or more premises ~~licences~~~~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~~~~In this~~ context ~~it should~~~~it~~ ~~normally~~~~should normally~~ ~~be possible~~~~be possible~~ to access the premises without going through another licensed premises or premises with a permit.

Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

~~16.9~~~~16.11~~ **Conditions**

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. Where there are specific risks or problems associated with particular premises, the authority may consider attaching individual conditions related to the licensing objectives.

Any conditions attached to ~~licences~~~~licenses~~ will be proportionate and **will** be:-

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following:
 - Proof of age schemes;
 - CCTV;
 - Door Supervisors;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices and signage;
 - The training of staff to deal with suspect truants and vulnerable persons;
 - Specific opening hours; and
 - With particular regard to vulnerable persons, measures such as the use of self- barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gam Care.

This list is not exhaustive but indicative of examples.

- 16.12 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.
- 16.13 It is noted that there are conditions which the Licensing Authority cannot [attach to](#) Premises Licences. These are:-
- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
 - conditions in relation to stakes, fees, and the winning of prizes.
- 16.14 This Authority will ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where these machines are located
 - access to the area where the machines are located is supervised
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - 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

- 16.15 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 16.16 **Door Supervisors:** The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.
- 16.17 **Credit:** Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.
- 16.18 **Betting Machines:** (See APPENDIX 4 for definition)
 In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).
- 16.19 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall 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 the machines by children and young persons or by vulnerable persons.
- 16.20 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

17. PROVISIONAL STATEMENTS

- 17.1 Developers may wish to apply for provisional statements before entering into a contract to buy or lease property or land to judge whether ~~a development~~ is 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.
- ~~17.1~~17.2 Section 204 of 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.
- ~~17.2~~17.3 The process for considering an application for a provisional statement is the

same as that for a premises licence application in that 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.

~~17.3~~17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

~~17.4~~17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless;

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

~~17.5~~17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters;

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises have 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.

18. REPRESENTATIONS AND REVIEWS

18.1 Representations and Applications for Review of Premises Licence may be made by responsible authorities and interested parties however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis whether the request for the review is relevant to the matters listed below;

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

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

- Frivolous or vexatious.
- Will certainly not cause the authority to wish to revoke/suspend the Licence.
- Substantially the same as previous representations or requests

- for a review.
 - In accordance with any relevant codes of practice issued by the Gambling Commission.
 - In accordance with any relevant guidance issued by the Gambling Commission.
 - Reasonably consistent with the licensing objectives.
- 18.3 There is no appeal, other than by way of ~~Judicial~~ judicial review, against the authority's determination of the relevance of an application for review.
- 18.4 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 18.5 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 consultation period. This period begins 7 days after the application was received the Licensing Authority, who will publish notice of the application with 7 days of receipt.
- 18.6 The Licensing Authority must carry out a review as soon as possible after the 28 day period for making representations has passed.
- 18.7 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 Sub-Committee are:-
- Add or remove or amend a licence condition imposed by the licensing authority;
 - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - Suspend the premises licence for a period not exceeding three months;
 - And, revoke the premises licence.
- 18.8 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.9 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.10 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- The licence holder
 - The applicant for review (if any)
 - The commission
 - Any person who made representations
 - The chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

19 ADULT GAMING CENTRES

19.1 Entry to these premises is age restricted and no customer must be able to access the premises directly from any other licensed gambling premises.

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

19.3 This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory or exhaustive and is merely indicative of example measures.

20 (LICENSED) FAMILY ENTERTAINMENT CENTRES

20.1 A Licensed Family Entertainment Centre is defined in the Appendices of this document. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use. No customer must be able to access the premises directly from:

- A casino
- An adult gaming centre or
- A betting premises, other than a track.

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

21 CASINOS

21.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to ~~pass~~ ~~apass a~~ casino resolution will only be taken after a full consultation process has been undertaken with the area. The principal access entrance to the premises must be from a street; No entrance to a casino must be from premises that are ~~used wholly~~ ~~used wholly~~ or mainly by children and/or young persons; No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

21.2 **Casinos and Competitive Bidding:**
The Licensing Authority is aware that where a Licensing Authority's area is

enabled to grant a Premises Licence for a new style casino, there are likely to [be a](#) number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be ~~noted that~~[noted that](#) at the time this Policy was adopted, this area had not been so enabled.

21.3 **Betting Machines:**

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the casino*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should 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 the machines by children and young persons or by vulnerable persons.

21.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

21.5 **Credit:** Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22. BINGO PREMISES

22.1 A Bingo premises is defined in the appendices of this document Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use. No customer must be able to access the premises directly from;

- A casino
- An adult gaming centre; or
- ~~A betting premises~~[A betting premise](#), other than a track.

22.2 The Licensing Authority will take account of any conditions applied to ~~an~~[an](#) ~~Operating~~[Operating](#) Licence in respect of such premises.

22.3 **Credit:**

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

23. BETTING PREMISES

23.1 Betting Premises are defined in the appendices of this document.

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

Access must be from a street or from another premise with a betting premises licence.

No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance ~~to~~ to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

24. TRACKS

24.1 A Track is defined in the appendices of this document. Entry to these ~~premises~~ are premises are ~~is~~ generally age restricted. On race days, specific areas within the track may be age restricted dependent on the licensable activities taking place.

24.2 No customer should be able to access the premises directly from:

- A casino
- An adult gaming centre.

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

24.4 This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory or exhaustive and is merely indicative of example measures.

24.4 Gaming Machines

–Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

24.5 Betting Machines –

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

25. TRAVELLING FAIRS

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

~~26. PREMISES 'READY FOR GAMBLING'~~

~~26.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.~~

~~26.2 If the Construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.~~

~~26.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at the premises, the Licensing Authority will determine applications on their merits, applying a two stage consideration process:~~

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

27-26. LOCAL AREA PROFILING

~~27.4~~26.1 The Social responsibility Code which came into effect on the 6 April 2016 and was recently updated in May 2019 requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises and have policies, procedures and control measures to mitigate those risks. Additionally, applicants will have to undertake a local risk assessment when applying for a new or variation of a premises licence, to take account of significant changes in the local circumstances or when there are significant changes at the licensee's premises.

~~27.2~~26.2 The Licensing Authority is aware that there is no mandatory requirement to have a local area profile but recognises that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then these will be reflected in a separate document and made available from Fenland District Council and the Council's website.

~~27.3~~26.3 Enquiries with relevant organisations have not yet revealed any data to

suggest that there are any areas within the Fenland District that could be identified as a risk. (However, should the consultation reveal such data then this paragraph will be updated).

PART C
PERMITS/TEMPORARY OR OCCASIONAL USE
NOTICES/REGISTRATIONS

28-27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

28-27.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

28-27.2 **Statement of Licensing Principles:**

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

- A Disclosure & Barring Service check to ensure that the applicant has no ~~relevant convictions~~ **relevant convictions**. Where the applicant is a person who is the sole proprietor, the check will be against that person or where the applicant is a company, the check will be against the person who is normally in day to day control of the premises.
- Disclosure & Barring Service (DBS) checks for staff;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises; or
 - children causing perceived problems on/around the premises;
 - suspect truant children; and
 - have a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres.
- A plan scale 1:100 of the premises showing:
 - o The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public
 - o The location of any fixed or temporary structures
 - o The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises
 - o The location of any public toilets within the boundary of the premises
 - o The location of CCTV cameras
 - o The location of any ATM or other cash/change machines
 - o The proposed location of the Category 'D' machines
 - o Details of ~~non-category~~ **non-category** 'D' machines (e.g. skill with prizes machines)

This list is not exhaustive but indicative of examples.

29-28. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

~~29.4~~28.1 There is provision in the Act for premises licensed to sell alcohol under part 3 of the Licensing Act 2003 for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs ~~to notify~~ to notify the Licensing ~~Authority~~ Authority of the intention to make gaming machines available for use and pay the prescribed fee at least two months prior to the date of expiry of the current permit.

~~29.2~~28.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

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

289.4 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has 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
- an offence under the Gambling Act has been committed on the premises

~~29.3~~28.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling ~~and will~~ and expect ~~will expect~~ the applicant to satisfy the Authority that there will be sufficient ~~measures~~ measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- ~~As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of~~
- information, and leaflets/helpline numbers for organisations such as Gam Care.

This list is not exhaustive but indicative of examples.

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

30.29. PRIZE GAMING PERMITS

~~30.429.1~~ Where a premise does not hold a premises licence but wishes to provide prize gaming, an application for a prize gaming permit may be made to the Licensing Authority. The applicant must specify the nature ~~of gaming of gaming~~ for ~~which the~~ ~~which the~~ permit is sought and demonstrate that he or she understands the limits to stakes and prizes that are set out ~~in Regulations in Regulations~~ and that the gaming offered is within ~~the law the law~~.

30.229.2 Statement of Licensing Principles:

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

- A DBS check to ensure that the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be
 - against that person or where the applicant is a company, the check will be against the person who is normally in day to day control of the premises;
- DBS checks for staff;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises; and
 - suspect truant children.

This list is not exhaustive but indicative of examples.

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

31.30. CLUB GAMING AND CLUB MACHINE PERMITS

~~31.430.1~~ Members' clubs and miners' welfare institutes may apply for a [Club Gaming Permit](#) and/or a [Club Gaming Machine Permit](#). ~~The Club Gaming permit will enable the premises to provide gaming machines (three machines of category B4, C or D), or equal chance gaming i.e. Poker, Bingo. A Club Machine Permit will enable premises to provide gaming machines (three machines or category B4, C or D) but are restricted by category and number of machines and to equal chance gaming and games of chance.~~ Commercial clubs may only apply for a club machine permit.

30.2 A fast-track procedure is available for premises that hold a Club Premises

Certificate under the Licensing Act 2003.

30.3 To qualify for these special club permits a members club must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming. A members club must be permanent in nature, not established to make a commercial profit and controlled by its qualifying members equally. Examples of these include branches of the Royal British Legion, working men's clubs and clubs with political affiliations.

30.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members club and the majority of its members are over 18.

30.5 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
- an objection has been lodged by the Commission or the police

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

32.31. TEMPORARY USE NOTICES (TUN)

32.431.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 4.

32.231.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations have been issued by the Secretary of State prescribing the activities to be covered.

32.331.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

32.431.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

32.531.5 The Licensing Authority will object to Notices where it appears that the effect would be to permit regular gambling in a place that could be described as one set of premises.

33.32. OCCASIONAL USE NOTICES

33.432.1 Occasional Use Notices (OUNs), apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.

33.232.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

33.332.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

33.432.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

33.532.5 The person designated to receive the OUNs and assess validity ~~is specified~~ is specified in the scheme of delegation as shown at Appendix 4.

34.33. SMALL SOCIETY LOTTERIES

34.133.1 The definition of a Small Society Lottery is contained in Appendix-4 and these require registration with the Licensing Authority.

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

34.333.3 The Licensing Authority must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006)
- for the purpose of enabling participation in, or of supporting, sport athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

34.433.4 In determining whether the Society is non-commercial the Licensing Authority may require applicants to provide copies of the society's constitution or terms of reference.

34.533.5 For new applications or change of promoter, the Licensing Authority shall require the promoter of the lottery to produce a statement declaring that they have no relevant convictions that would prevent them from running a lottery. A list of 'relevant' offences is listed at Schedule 7 of the Act.

34.633.6 The Licensing Authority may refuse an application for registration if in their opinion:

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

misleading.

~~34.7~~33.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration. It will also supply evidence on which it has reached that preliminary conclusion.

~~34.8~~33.8 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

APPENDIX 1 – MAP OF FENLAND



APPENDIX 2 – RESPONSIBLE AUTHORITIES

➤ Local Authority Environment and Health Services

Fenland District Council
Environmental & Leisure Support Team
Fenland Hall
County Road
Cambridgeshire PE15 8NQ
Telephone: 01354 654321
Email: Tdarnes@fenland.gov.uk
Jhanson@fenland.gov.uk

➤ The Body Responsible for Health and Safety

Fenland District Council
Environmental & Leisure Support Team
Fenland Hall
County Road
March
Cambridgeshire PE15 8NQ
Telephone: 01354 654321
Email: Dsadler@fenland.gov.uk

➤ Cambridgeshire Constabulary

PC Grahame Robinson
Cambridgeshire Constabulary
Partnership & Operational Support Team
Licensing & Events Planning
Thorpewood Police Station
Peterborough
PE3 6SD
Email: LicensingNorth@cambs.pnn.police.uk

➤ Cambridgeshire Fire and Rescue Service

Chief Fire Officer
Hinchingbrooke Cottage
Brampton Road
Huntingdon PE29 2NA
Telephone: 01480 444500
Email: fireprotectionnorthconsultations@cambsfire.gov.uk

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➤ The Body Responsible for the Protection of Children from Harm

Safeguarding & Standards Unit
Licence applications
PO Box 144
St Ives
Cambridgeshire
PE27 9AU
Telephone: 01223 706380
Email:
ReferralCentre.Children@cambridgeshire.gov.uk
Web: www.cambridgeshire.gov.uk

➤ Local Authority Planning Authority

Fenland District Council
Development Services
Fenland Hall
County Road
March
Cambridgeshire PE15 8NQ
Telephone: 01354 654321
Email: planning@fenland.gov.uk

➤ HM Revenue & Customs

HM Revenue & Customs
12th Floor
Alexandra House
Victoria Avenue
Southend-on-Sea
Essex
SS9 1B

The Gambling Commission

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6500
Email: info@gamblingcommission.gov.uk

~~Environmental Services – Pollution:-~~

Environmental Manager
Fenland District Council Fenland Hall
County Road March Cambs PE15 8NQ
Telephone: 01354 654324

Health and Safety: Environmental Manager Fenland District Council Fenland Hall
County Road March Cambs PE15 8NQ
Telephone: 01354 654324

Planning: Planning Manager
Fenland District Council Fenland Hall
County Road March Cambs PE15 8NQ
Telephone: 01354 654324

Safeguarding Children's Board: Safeguarding & Standards Unit
Licence applications PO Box 144

St Ives-
Cambridgeshire-
PE27 9AU
Telephone: 01223 706380-
Email:

ReferralCentre.Children@cambridgeshire.gov.uk

For vessels carrying more than 12 passengers the Certifying Authority will be:-

Maritime & Coastguard Agency
Surveyor In Charge
Harwich Marine Office
East Terrace Walton-
on-Naze Essex
CO14 8PY
Telephone: 01255 682107

For Vessels carrying 12 or less passengers the Certifying Authority will be:-

Environment Agency
Kingfisher House
Goldhay Way
Orton Goldhay
Peterborough
PE2 5ZR
Telephone: 01733 464277

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~~HM Revenue and Customs: National Registration Unit
Porteullis House
21 India House
Glasgow
G2 4PZ~~

APPENDIX 3 – TABLE OF DELEGATIONS OF LICENSING FUNCTION

Summary of Licensing Authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)			✓
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give counter notice to temporary use notice		✓	
Consideration of an Occasional Use Notice			✓

APPENDIX 4 - DEFINITIONS

ADULT GAMING CENTRE

An Adult Gaming Centre Premises Licence issued by the Licensing Authority will authorise gaming machines of ~~either Category~~ Category B, C or D in the following numbers:

- 1 A maximum of 20% of the total number of gaming machines which are available for use on the premises - Category B3 or B4 machines
- 2 No limit on Category C and D machines.

AUTHORISED LOCAL AUTHORITY OFFICER

A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.

BETTING MACHINES

A betting machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make such machines available to accept bets as a substitute for placing a bet over the counter. These machines are not gaming machines and therefore neither count towards the maximum permitted number ~~of gaming~~ of gaming machines nor have to comply with any stake or prize limits. However, if a machine is made available to take bets on virtual races i.e. images generated by computer to resemble races or other events, that machine is a gaming machine and does count towards the maximum permitted number of such machines.

Section 181 contains a power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are being made available by attaching a licence condition to a betting premises licence or to a casino premises licence where betting is permitted in the casino. When considering whether to impose such a condition the Licensing Authority, amongst other things, should consider the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of machines by anyone under 18 years of age or by vulnerable people.

BETTING PREMISES

The legislation contains a single type of licence for betting premises. However, ~~within this~~ within this single class of licence there will be different types of premises which require licensing. One type will be off course betting i.e. the betting shop. The other sort of licensing will be betting at a track i.e. a racecourse. There is a separate type of premises licence for betting on tracks. It will also be possible for there to be premises licence for betting offices on tracks.

The Act also permits betting intermediary to operate from premises, although they usually offer their services via remote communication such as the internet. There is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services on the premises.

No one under 18 will be able to enter premises with a betting premises licence although special rules apply to track betting.

Betting will be permitted as part of a casino premises licence and they will not require a separate betting premises licence. However, they will need to obtain a betting operating licence which can be combined with their casino licence.

The holder of a betting premises licence may make available up to 4 gaming ~~machines~~ [of machines of](#) category B, C or D. The category B machines will be restricted to B2, B3 and B4

BINGO PREMISES

Bingo is currently categorised as “equal chance gaming” and is regarded widely as soft gaming. It is played in a variety of circumstances depending on where it takes place, for example as a commercial enterprise in a licensed bingo club for cash prizes, or as a prize bingo in amusement arcades, or on a non-commercial basis with low stakes and prizes in clubs, pubs and other institutes. Variations of club based include linked bingo where two or more clubs play a joint game using pooled stakes and multiple bingo, often known as the National Game, played across the country for large prizes. Clubs ~~also offer~~ [also offer](#) machine gaming which is largely played during intervals between bingo games.

Commercial Bingo Clubs

- ❖ There should be no statutory limits on the stakes and prizes in bingo games;
- ❖ There should be no restriction on the frequency of multiple bingo games;
- ❖ Any new games should be approved by the Gambling Commission; and
- ❖ Rollovers should be permitted.

Bingo in Pubs and Clubs

- ❖ Where pubs or clubs offer prizes in equal chance games such as bingo above £2000 per week, they should be regulated by the Gambling Commission in the same way as commercial bingo.

CASINO

An arrangement whereby people are given an opportunity to participate in one or more casino games.

CASINO RESOLUTION

Resolution not to issue Casino Premises Licences.

CHILD

Individual who is less than 16 years old.

CLUB GAMING MACHINE PERMIT

Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D.

CONDITIONS

Conditions to be attached to licences by way of:-

- Automatic provision
- Regulations provided by Secretary of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority

Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

DEFAULT CONDITIONS

Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

DELEGATED POWERS

Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

DISORDER

No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

EQUAL CHANCE GAMING

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

EXEMPT LOTTERIES

Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:-

- Small Society Lottery (required to register with Licensing Authorities).
- Incidental Non Commercial Lotteries
- Private Lotteries
- Customer Lotteries

EXTERNAL LOTTERY MANAGER

An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

FAMILY ENTERTAINMENT CENTRE (LICENSED)

A family entertainment centre is defined as premises (other than an adult gaming centre) wholly or namely used for making gaming machines available for use.

It will be necessary to obtain a Gaming Machine General Licence from the Gambling Commission.

A family entertainment centre Premises Licence issued by the Licensing Authority will authorise gaming machines to be provided as follows:

- 1 An unlimited number of Category C and D machines
- 2 Category C machines to be located in an adult only area.

GAMING

Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.

GAMING MACHINE

Machine covering all types of gambling activity, including betting on virtual events.

Categories

Category	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited – no category A currently permitted
B1	£5	£10,000
B2	£ 2 ¹⁰⁰	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize	30pence	£8
D non-money prize (crane grab machines only)	£1	£50
D combined money and non-money prize	10pence	£8 (of which no more than £5 may be a money prize)
D Combined money and non-money prize (coin pusher or penny falls machines only)	20pence	£20 (of which no more than £10 may be a money prize)

Comment [MB1]: New Regulations laid down in December 2018 and came into effect 1st April 2019

HUMAN RIGHTS ACT 1998 ARTICLES: 1, 6, 8 AND 10

Article 1: Protocol 1

The right to peaceful enjoyment of possessions.

Article 6:

The right to a fair hearing.

Article 8:

The right of respect for private and family life

Article 10:

The right to freedom of expression.

INCIDENTAL NON COMMERCIAL LOTTERY

A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).

EXCHANGE OF INFORMATION

Exchange of information with other regulatory bodies under the Gambling Act.

INTERESTED PARTY

A person who:-

- Lives sufficiently close to the premises to be likely affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of the above groups

LICENSING OBJECTIVES

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
2. Ensuring that gambling is conducted in a fair and Open Way.
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

LOTTERY

An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

LOTTERY TICKETS

Tickets that must:

- Identify the promoting society
- State the price of the ticket, which must be the same for all tickets
- State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and
- State the date of the draw, or enable the date of the draw to be determined.

MEMBERS' CLUB

A club that must:

- Have a least 25 members
- Be established and conducted 'wholly or mainly' for purposes other than gaming
- Be permanent in nature
- Not be established to make commercial profit
- Be controlled by its members equally.

OCCASIONAL USE NOTICES

Betting may be permitted on a 'track' without the need for a full Premises Licence.

Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Occasional use notices cannot be used on more than 8 days in a calendar year i.e. the year starting on the 1 January and ending on 31 December.

The notice for an occasional use must be served on the licensing authority and the police. Notices can be given for a continuous period of 8 days.

OFF COURSE BETTING

Betting that takes place other than at a track, i.e. at a Licensed Betting Shop

OPERATING LICENCE

Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.

PERMITS

Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

PERSONAL LICENCE

Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.

PREMISES

Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

PREMISES LICENCE

Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, Adult Gaming Centres and Family Entertainment Centres.

PRIVATE LOTTERIES

There are three types of Private Lotteries:

1. Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.
2. Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.
3. Residents' Lotteries – promoted by, and tickets may only be sold to people who live at the same set of premises.

PRIZE GAMING

Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

PRIZE GAMING PERMIT

A permit to authorise the provision of facilities for gaming with prizes on specific premises..

PROVISIONAL STATEMENT

Where an applicant can make an application to the Licensing Authority in respect of premises that he:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy

RELEVANT REPRESENTATIONS

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.

RESPONSIBLE AUTHORITIES

Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences as follows:

- The Licensing Authority in whose area the premises is partly or wholly situated
- The Gambling Commission
- The Chief Officer of Police
- Fire and Rescue Service
- The Planning Authority for the local authority area
- Environmental Health Service for the local authority area
- The Body competent to advise on the protection of children from harm
- HM Revenue and Customs
- Authority in relation to vulnerable adults
- Vessel only – the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency.

SMALL LOTTERIES

When licensing authorities are approached by societies who want to register with them to operate lotteries, they are required to refer to the Act's definition of a small society lottery, which falls into two distinct areas:

- Society status – the society in question must be 'non-commercial'
- Lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

TEMPORARY USE NOTICE

Licensing Authorities may issue Temporary Use Notices to allow gambling activities to take place for limited periods in otherwise unlicensed premises. Only the holder of an Operating Licence may apply for a Temporary Use Notice. The same premises may not be the subject of a Temporary Use Notice for more than 21 days in any period of 12 months. However, provided that the aggregate period does not exceed that limit, it is possible to apply for more than one Temporary Use Notice during that period.

TRACK BETTING

Tracks are sites, including horse racecourses and dog tracks where races or other sporting events take place e.g. football grounds and cricket grounds. Betting is a major activity on the tracks, both in the form of pool betting (often known as the "tote") and also general betting known as fixed odds betting.

There is no separate class of betting premises licence for a track. However, in relation to tracks betting is divided into "on course" and "off course."

The "on course" betting operator is one who comes on to the track, temporarily, while races are taking place and operates at the trackside.

"Off course" betting operators may, in addition to premises away from the track, operate self-contained betting premises within the track premises. Such self-contained premises provide facilities for off course betting e.g. on other events not just those taking place on the track.

In addition pool betting can take place on the tracks, but only on certain types of track and the people who may run it are limited.

TRAVELLING FAIR

A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

VEHICLES

Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

VULNERABLE PERSONS

No set definition, but likely to mean group to include people who:

- Gamble more than they want to
- Gamble beyond their means
- Who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

YOUNG PERSON

An individual who is not a child but who is less than 18 years old.

TEMPORARY USE NOTICES

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Cambridgeshire Police
- HM Commission for Revenues and Customs

- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

APPENDIX 5 - LIST OF CONSULTEES

Responsible Authorities:

- ☒ The licensing authority
- ☒ The Gambling Commission
- ☒ Chief Officer of Police, Cambridgeshire Constabulary
- ☒ Cambridgeshire Fire and Rescue Authority
- ☒ Fenland Planning Authority
- ☒ Fenland Environmental Health
- ☒ Cambridgeshire Safeguarding and Standards Unit
- ☒ HM Revenue and Customs
- ☒ The Environment Agency
- ☒ The British Waterways Board
- ☒ Secretary of State for Transport (Maritime and Coastguard Agency)

In addition:

British Amusement Catering Trade Association (BACTA)
(Representing the UK pay to play leisure machine industry)

Association of British Bookmakers

The Bingo Association

Bingo premises
British Beer & Pub Association

Bookmakers within Fenland

Citizens Advice Bureau

Gamblers Anonymous Gam
care

Public Health

Town and Parish Council Clerks

Trading Standards

Faith Groups

Community Groups

**FENLAND DISTRICT COUNCIL
GAMBLING ACT 2005
STATEMENT OF PRINCIPLES**

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Assessing Equality – The Equality Act 2010

Customer Impact Assessment

Name and brief description of policy being analysed

Briefly summarise the policy including any key information such as aims, context etc; note timescales and milestones for new policies; use plain language – NO JARGON; refer to other documents if required

Policy being reviewed - Statement of Gambling Policy 2019 – 2022 (GA05)

The Council as the Licensing Authority has a statutory duty to review its Statement of Principles under the Gambling Act 2005 every three years. The current policy was adopted at Full Council and came into effect on 12 May 2016.

The Gambling Act requires each Licensing Authority to prepare and publish a Statement of Principles under the Gambling Act. The statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives namely:

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

The Gambling Policy is to be renewed every three years and the draft policy will cover the period of 2019 - 2022

Information used for customer analysis

Note relevant consultation; who took part and key findings; refer to, or attach other documents if needed; include dates where possible

The Responsible Authority Officers act as a main consultee:

Fenland District Council – Environmental Health

Fenland district Council – Health & Safety

Cambridgeshire Constabulary

Cambridgeshire Fire & Rescue

Safeguarding & Standards – Protection of Children from harm

Assessing Equality – The Equality Act 2010

Fenland District Council -Planning Authority
 HM Revenue & Customs
 Gambling Commission
 Town Councils

Public Consultation

Comments were requested from the Public Consultation that took place from 05 August 2019 until 6 September 2019. The draft policy was advertised in the local newspaper and by social media feeds for example Facebook. It was also available on our Council website and in our Customer service centres

This CIA has taken into account any comments made during the consultation process and will also reflect any changes that are made with the draft policy prior to Licensing Committee approval on 02 October 2019

	Could particularly benefit	Neutral	May adversely impact	Explanations	Is action possible or required?	Details of actions or explanations if actions are not possible Please note details of any actions to be placed in your Service Plan
Race	<input type="checkbox"/>	✓	<input type="checkbox"/>	Officers have considered all of the equality strands. This Customer Impact Assessment does not raise any negative equality issues. Officers have concluded that the Gambling Policy - Statement of Principles will have positive impacts in ensuring that the Licensing Objectives within the policy are upheld. There is no evidence that the policy may result in adverse impacts on equality.	N	
Sex	<input type="checkbox"/>	✓	<input type="checkbox"/>		N	
Gender reassignment	<input type="checkbox"/>	✓	<input type="checkbox"/>		N	
Disability	<input type="checkbox"/>	✓	<input type="checkbox"/>		N	
Age	✓	<input type="checkbox"/>	<input type="checkbox"/>		N	
Sexual orientation	<input type="checkbox"/>	✓	<input type="checkbox"/>		N	
Religion or belief	<input type="checkbox"/>	✓	<input type="checkbox"/>		N	
Pregnancy & maternity	<input type="checkbox"/>	✓	<input type="checkbox"/>		N	

Assessing Equality – The Equality Act 2010

Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		N	
Human Rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		N	
Socio Economic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delivery of the Gambling Policy will have a positive impact as it encourages responsible Gambling.	Y / N	
Multiple/ Cross Cutting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Y / N	

Outcome(s) of customer analysis

a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative neutral positive

No major change needed Adjust the policy Adverse impact but continue Stop and remove / reconsider policy

Arrangements for future monitoring:

Note when analysis will be reviewed; include any equality indicators and performance against those indicators

The next CIA analysis will take place when the Gambling Policy is reviewed in 2022, although an annual desk top review will take place for any new impacts with policy implementation.

Details of any data/ Research used (both FDC & Partners):

Results of the public Consultation carried out from 5 August 2019 until 6 September 2019

Completed by:

Name: Michelle Bishop

Position: Licensing Manager

Approved by (manager signature):

Date published: This should be the date the analysis was published on the website

Details of any Committee approved by (if applicable):

Date endorsed by Members if applicable:

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