

# LICENSING COMMITTEE

## AGENDA



**Friday 20 September 2024**

**at 10.00 am**

**in Committee Room B,  
Civic Centre, Hartlepool.**

MEMBERS: LICENSING COMMITTEE:

Councillors Allen, Bailey-Fleet, Clayton, Darby, Dunbar, Feeney, Jorgeson, Little, Nelson, Thompson, Young and 1 Vacancy.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

3.1 To approve the minutes of the Licensing Committee meeting held on 21 June 2024

3.2 To receive the minutes of the Licensing Sub Committee held on 24 June 2024, 22 July 2024 and 7 August 2024

3.3 To receive the minutes of the Regulatory Sub Committee held on 16 May 2024 and 29 July 2024

**4. ITEMS REQUIRING DECISION**

4.1 Gambling Act - Statement of Principles – *Assistant Director (Regulatory Services)*

**5. ITEMS FOR INFORMATION**

No items.

**6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE**

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

# LICENSING COMMITTEE

## MINUTES AND DECISION RECORD

21 June 2024

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

### **Present:**

Councillor Dunbar (In the Chair)

Councillors Allen, Bailey-Fleet, Clayton, Feeney, Jorgeson, Little, Nelson and Thompson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Neil Wilson, Assistant Chief Solicitor  
Amanda Whitaker, Democratic Services Team

### **5. Apologies for Absence**

Councillors Darby and Young

### **6. Declarations of interest by Members**

None

### **7. Minutes**

The minutes of the Licensing Committee meeting held on 21 May 2024 were confirmed.

The minutes of the following meetings of the Licensing Sub Committee were received:-

20 July, 2023  
24 July, 2023  
25 July, 2023  
26 July, 2023  
29 August, 2023  
26 September, 2023  
4 October, 2023  
5 March, 2024  
21 March, 2024  
23 April, 2024  
17 May, 2024.

The minutes of the following meetings of the Regulatory Sub Committee were received: -

12 September, 2023

22 November, 2023

With reference to the exempt minutes of the meeting held on 16 February 2024, the minutes were received subject to an amendment to minute 15 which was agreed to correct the minutes which referred to as part of his January 2024 renewal application Mr B had stated that he had not been cautioned or convicted of any motoring offences and there were no proceedings pending.

The amendment corrected the minutes to state:

As part of his January 2024 renewal application Mr B had stated that he had been cautioned or convicted of any motoring offences and there were proceedings pending.

For clarity Mr B did confirm on application that he had been convicted for motoring offences and that more offences were pending.

## **8. Hackney Carriage Tariff Increase Proposal** – *Assistant Director (Regulatory Services)*

The Committee considered a request from the hackney carriage trade for an increase in hackney carriage tariffs to reflect an increase in their running costs and to ensure they make a reasonable living. The proposed new tariff rates and an indication of what effect they will have on prices was appended to the report. All 81 hackney carriage owners had been consulted on the proposed rise suggestions and sixteen were in favour of the proposal, eight were against and the others had made no comment. Experience has shown that it is extremely difficult to obtain 100% trade agreement for any proposed change to tariffs.

The proposal received from the hackney carriage trade consists of a 50p increase to flag fall for both Tariff 1 and Tariff 2. The proposal also included a 50p increase to an additional charge where vehicles carry five or more passengers at any one time. It was highlighted that if a tariff increase was approved by the Committee, a public notice would be published to inform the general public. Should any objections be received within 14 days of the notice being published, the matter would be referred back to the Licensing Committee before any increase is implemented.

The Trading Standards and Licensing Manager responded to issues arising from the report including comparisons with tariffs nationally and within the Tees Valley. With regard to the level of the increase in the tariff rates, it was reiterated that the proposal was 'trade led' and was the amount which the hackney carriage trade had requested, at their Annual General Meeting.

### **Decision**

The Licensing Committee approved the proposed increase in hackney carriage tariffs as detailed in Appendix 1

## **9. Gambling Act - Statement of Principles** – *Assistant Director (Regulatory Services)*

Approval was sought of the proposed draft statement of principles as required by the Gambling Act 2005 and the commencement of a consultation exercise relating to the draft statement of principles in accordance with the Gambling Act 2005. Subject to the Committee's agreement it was proposed that the draft policy be published for consultation and a further report be brought back to Committee in September 2024. A formal recommendation for adoption of the statement of principles could then be made by the Committee, to full Council, at its meeting in December 2024.

It was highlighted that the draft statement of principles once again retained a "No Casino Resolution" which stated that the council will not consider any application for a casino in Hartlepool.

### **Decision**

The contents of the report were noted and the draft statement of principles required by the Gambling Act, as detailed in Appendix 1, was approved unanimously.

The Committee approved unanimously the commencement of consultation on the draft statement of principles as contained in Appendix 1.

The meeting concluded at 10.20 a.m.

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

24 June 2024

**4. Application for a New Premises Licence: 19  
Navigation Point, Hartlepool** – *Assistant Director, Regulatory  
Services*

Following the withdrawal of the objections in relation to the application, the meeting was abandoned. The Chair and members of the Sub-Committee had been advised of the situation prior to the meeting.

CHAIR

# LICENSING SUB COMMITTEE

## MINUTES AND DECISION RECORD

22 July 2024

The meeting commenced at 10.00am in the Civic Centre, Hartlepool.

### Present:

Councillor: Martin Dunbar (In the Chair)

Councillors: Rob Darby and Michael Jorgeson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Angela Armstrong, Principal Democratic Services and Legal Support Officer

### Also present:

Ashley Johns (Applicant)  
Joanna Thomas and Tony Saunders (Occupier of Neighbouring premises)

## 5. Apologies for Absence

None.

## 6. Declarations of interest by Members

None.

## 7. Application for a New Premises Licence: 117 York Road, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager gave details of an application for a new premises licence to allow live music 1900-2330 hours, recorded music 1200-2330 hours and supply of alcohol 1200-2315, Monday – Sunday (on the premises only). A copy of the application was attached at Appendix 1. Representations had been provided by two members of the public, namely local businesses within very close proximity to the application premise these representations were attached at Appendix 4 and Appendix 5. A number of conditions had been agreed by the Applicant with Cleveland Police, Trading Standards and Environmental Health (Environmental Protection) and there were no further representations from those responsible authorities. The premises does not have planning

permission and was subject to consideration at the meeting of the Planning Committee on 14 August 2024.

The Trading Standards and Licensing Manager indicated there were representations from the owners of two nearby businesses premises relating to all four of the Licensing Objectives and she read one of the representations to the Committee as that business owners was unable to attend the hearing. The other business owner who had made representations was in attendance and addressed the Committee. They confirmed that the room where hearing tests were undertaken had an adjoining wall to the premises and that this room required quiet in order to carry out tests. The Applicant confirmed that this room was adjacent to the kitchen and that a noise barrier was to be installed and noise testing would be undertaken to check the noise levels and ascertain if sound insulation was required. It was noted that the noise levels had been high during the building works within the premises but that consideration had been given with works undertaken after office hours when requested. The business owner confirmed that they had taken legal advice and acknowledged that there would be a music and noise limiter installed but had requested that no karaoke/discos take place before 1730 which was their operating hours. It was noted that the application included provision for a coffee bar until 7pm and the Applicant confirmed that the café bar would have low level background music and that the noise levels would be monitored through the noise limiter by Environmental Health. In response to a question from a Member, the applicant confirmed that the licence application was for the sale of alcohol until 2315 although the premises would be open until 2330. The Applicant indicated that he had nothing further to add as he considered that the agreed conditions met the concerns that had been raised by the occupiers of the neighbouring premises.

The representative referred to concerns that had been raised by another occupier of their premises, however the Trading Standards and Licensing Manager confirmed that these representations had not been received. The representative of the neighbouring premises added that the concerns of the other occupier were included within their own representations.

Clarification was sought on the provision of SIA door staff at the venue. The Applicant confirmed that the provision of security was by an off-site team that was a two minute walk away from the premises. However, he added that experience had shown that Friday and Saturday were the busiest days but that at any one time, the most people they had in their previous venue was 30 people for a specific Battle of the Bands event. It was noted that the venue made provision for people with autism by having quieter times on a regular basis.

The Chair thanked everyone for their attendance at the hearing and their responses to Elected Members' questions. All parties left the meeting to enable Members to deliberate and form a decision.

During the deliberations, Members were reassured to note that noise limiters would be installed and that operating noise levels would be monitored by Environmental Health. In addition to this, Members considered that the conditions attached to the licence that had already been agreed would satisfy the concerns that the representatives from the neighbouring properties had raised.

All parties rejoined the meeting.

### **Decision**

All parties were informed that the application for a new premises licence at 117 York Road was approved.

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the Statutory Guidance. They considered the representations put forward by the applicant and the written representations and oral from the proprietors of the business who attended and from the written representation of the other local business.

Members were satisfied with the agreed conditions and considered that the Licensing Objectives would be promoted by granting the application and therefore granted the application.

Members considered that this decision is appropriate and proportionate for the promotion of the licensing objectives.

The meeting concluded at 10.50am

CHAIR



# LICENSING SUB COMMITTEE

## MINUTES AND DECISION RECORD

**7 August 2024**

The meeting commenced at 10.00am in the Civic Centre, Hartlepool.

**Present:**

Councillor: Ben Clayton (In the Chair)

Councillors: Sue Little and John Nelson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Denise Wimpenny, Principal Democratic Services Officer

Also Present: Councillor Brenda Harrison  
Stuart Hind and Liam Lester – representatives for the applicant  
Susan Imray, Objector

Prior to consideration of business, and during introductions the Chair reported that Councillor Harrison was in attendance as a Ward Councillor and friend of the objector but would not influence or be part of the decision making process.

### **1. Apologies for Absence**

None

### **2. Declarations of interest by Members**

None

### **3. Application for a new premises licence – Hartlepool Rugby Club, Mayfield Park, Easington Road, Hartlepool** *(Assistant Director (Regulatory Services))*

The Trading Standards and Licensing Manager presented the report which provided an outline of the application for a new premises licence in respect of Hartlepool Ruby Club, Mayfield Park, Easington Road, Hartlepool, for a

pitch licence to be used for sports and social events for a maximum of five days per calendar year. The applicant had amended their original application following consultation with responsible authorities and were seeking a licence for the following revised activities:-

Live music (on premises only) Monday to Sunday 12.00 – 22.00  
Recorded music (on premises only) Monday to Sunday 12.00 – 22.00  
Supply of Alcohol (on premises only) Monday to Sunday 12.00 – 22.00

Opening hours (outdoor area) Monday to Sunday 12.00 – 22.30

A copy of the application was appended to the report. The application had been advertised in the prescribed manner and one representation had been received from a member of the public, details of which were appended to the report. The objections were summarised as concerns regarding the prevention of crime and disorder and prevention of public nuisance.

The applicant had agreed conditions for the premises license with responsible authorities. Members were referred to the agreed police conditions and the agreed Environmental Health conditions as set out in the report.

Following presentation of the report, clarification was provided in response to questions raised by Members.

Representatives in attendance, on behalf of the applicant, addressed the Committee expressing support for the application and provided clarification in response to questions raised by Members. The representatives explained that Mayfield Park was a hub for the community, had experienced growth and become more inclusive offering teams and wellbeing opportunities for all including women and girls of all ages. For a number of years the club had hosted successful events and raised money to ensure rugby was free for children. Alice House Hospice had benefitted from funding raised as a result of such charity events, details of which were provided.

Clarification was provided in response to a number of issues raised by Members. The representatives addressed the concerns relating to noise at outdoor events and indicated that the club had been advised to take regular noise recordings and utilise noise monitors and the marquee and speakers were placed as far away as possible from residential properties. Clarification was also provided in terms of security, health and safety and training arrangements in preparation for events.

A local resident, who was in attendance, advised that whilst she had no objections to the events being held, the benefits of which were acknowledged, the club had not always been good neighbours and raised a number of concerns around noise nuisance, parking and anti-social behaviour. Examples of her experiences were provided. Mrs Imray advised that both herself and her husband were retired and liked to enjoy time in their garden. However previous events had disturbed them with

noise from the terrace as late as 11.50 pm, a child on a scooter at 11.45 pm and associated noise from people using the bins, the impact of which was outlined. Mrs Imray referred to the agreed conditions and indicated that she had never been given 28 days advance notice of events. Concerns around parking and access to their drive were also highlighted.

In the lengthy discussion that followed officers and the representatives responded to issues raised by Members. It was highlighted that parking on pavements was a matter for the police and that whilst the application before Members today related purely to the application for a pitch licence and not the operation of the club, the suggestions around the need to provide adequate parking could be discussed by the Safety Advisory Group prior to the events.

Councillor Harrison commented on the background to Mrs Imray's representations and whilst in support of the club, advised that Mrs Imray had been given no choice but to object as previous concerns had not been taken on board.

The representatives acknowledged the concerns raised and agreed to take the issues on board. Mrs Imray was invited to meet with the club representatives separately following the meeting to discuss her concerns in further detail.

At the conclusion of the evidence, neither the applicants or objector wished to add any further representations.

The Chair thanked everyone for their attendance at the hearing and their responses to Members' questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision.

### **Decision**

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the statutory guidance. They considered the representations put forward on behalf of the applicant and the written and oral representations from the objector.

Members were satisfied with the agreed conditions with a slight amendment to number 24 with the addition after the word maintained as highlighted in bold to read as follows:- .

- Noise levels will be monitored during all events, written records will be maintained **and shared with the Environmental Protection Team.**

Members considered that the licensing objectives would be promoted by imposing additional conditions and granted the application subject to the following conditions:-

- Ensure suitable arrangements for Parking when holding the events, to be discussed with the Safety Advisory Group.
- Litter picking to be scheduled to take place after events.
- Installation and De-rig for events must only take place between the hours of 08:00 and 18:00 Monday to Friday, or between the hours of 10:00 and 16:00 on weekends.
- Emptying of waste bins containing glass bottles or waste materials shall only take place between the hours of 9am and 9pm on any day in the interest of the amenities of the occupants of neighbouring premises.

The meeting concluded at 12 noon.

CHAIR

# REGULATORY SUB COMMITTEE

## MINUTES AND DECISION RECORD

16 May 2024

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

### Present:

Councillor: Ged Hall (In the Chair)

Councillors: Ben Clayton and Rob Darby

In accordance with Council Procedure Rule 4.2 Councillor Sue Little was in attendance as substitute for Councillor Leisa Smith

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Denise Wimpenny, Democratic Services Team

### 17. Apologies for Absence

An apology for absence was submitted on behalf of Councillor Leisa Smith.

### 18. Declarations of interest by Members

None

### 19. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 20 – Hackney Carriage and Private Hire Driver Licence MC – This item contained exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to any individual (para 1).

Minute 21 – Hackney Carriage Driver Licence MD AH – This item contained exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to any individual (para 1).

Minute 22 – Hackney Carriage and Private Hire Driver Licence SM – This item contained exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to any individual (para 1).

## **20. Hackney Carriage and Private Hire Drivers Licence**

**MC** (*Assistant Director (Regulatory Services)*) This item contained exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual (para 1).

Members were asked to consider what action should be taken against a licensed private hire and hackney carriage driver. Further details were contained in the closed minutes.

### **Decision**

Details were set out in the closed minutes.

## **21. Hackney Carriage Driver Licence MD AH** (*Assistant Director (Regulatory Services)*) This item contained exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual (para 1).

Members were advised that a request had been received from the appellant for more time and agreement was sought to withdraw the item.

### **Decision**

That the item be withdrawn and considered at a future meeting of a Regulatory Sub-Committee

## **22. Hackney Carriage Driver Licence SM** (*Assistant Director (Regulatory Services)*) This item contained exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual (para 1).

Members were advised that a request had been received from the appellant for more time and agreement was sought to withdraw the item.

**Decision**

That the item be withdrawn and considered at a future meeting of a Regulatory Sub-Committee

The meeting concluded at 10:25 am

CHAIR

# REGULATORY SUB COMMITTEE

## MINUTES AND DECISION RECORD

29 July 2024

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

### Present:

Councillor: Dunbar (In the Chair)

Councillor: Clayton, Darby and Nelson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Angela Armstrong, Principal Democratic Services and Legal Support Officer

### 1. Apologies for Absence

None.

### 2. Declarations of interest by Members

None.

### 3. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

**Minute 4 – Hackney Carriage Driver Licence SM** (*Assistant Director Regulatory Services*) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).



**Minute 5 – Hackney Carriage Driver Licence MDAM** (*Assistant Director Regulatory Services*) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

- 4. Hackney Carriage Driver Licence SM** (*Assistant Director, Regulatory Services*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information)

Members were asked to consider what action should be taken against a licensed private hire and hackney carriage driver. Further details were contained in the closed minutes.

**Decision**

Details were set out in the closed minutes.

- 5. Hackney Carriage Driver Licence MDAM** (*Assistant Director, Regulatory Services*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information)

Members were asked to consider what action should be taken against a licensed private hire and hackney carriage driver. Further details were contained in the closed minutes.

**Decision**

Details were set out in the closed minutes.

The meeting concluded at 12.00 noon

CHAIR

<h1 style="margin: 0;">LICENSING COMMITTEE</h1> <p style="margin: 10px 0 0 0;">20<sup>th</sup> September 2024</p>
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**Report of:** Assistant Director (Regulatory Services)

**Subject:** GAMBLING ACT – STATEMENT OF PRINCIPLES

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**1. COUNCIL PLAN PRIORITY**

<b>Hartlepool will be a place:</b>
- where people are enabled to live healthy, independent and prosperous lives.
- where those who are vulnerable will be safe and protected from harm.
- that has an inclusive and growing economy.

**2. PURPOSE OF REPORT**

- 2.1 To provide feedback following the formal consultation exercise relating to the draft statement of principles.
- 2.2 To seek approval of the proposed statement of principles as required by the Gambling Act 2005, including the tracked changes made following the formal consultation.
- 2.3 A formal recommendation for adoption of the statement of principles to be made by the Committee, to full Council, at its meeting in October 2024

**3. BACKGROUND**

- 3.1 By virtue of the Gambling Act 2005, Hartlepool Borough Council is defined as the licensing authority for certain gambling functions taking place with in the town.

- 3.2 Licensable activities that fall within local authority control include bingo halls, betting shops, amusement arcades and casinos.
- 3.3 The Gambling Act 2005 also requires the licensing authority to publish, every three years, a statement of the principles that they propose to apply in exercising their functions under the Act.
- 3.4 Hartlepool's current statement of principles was published in January 2022 and, as such, a new policy must be published no later than January 2025.
- 3.5 Following the consultation period and any subsequent amendments formal recommendation for adoption of the statement of principles to be made by the Committee, to full Council, at its meeting in October 2024.

#### 4. PROPOSALS

- 4.1 The draft statement of principles once again retains a “No Casino Resolution” which states that the council will not consider any application for a casino in Hartlepool.
- 4.2 The draft statement of principles has been published for public consultation on the Hartlepool Borough Council *Your Say website* and on the Hartlepool Borough Council Licensing Department website between 1<sup>st</sup> July 2024 and 26<sup>th</sup> August 2024.
- 4.3 Individuals, agencies and organisations listed in Appendix 3 of the statement of principles were consulted with directly. Responses to the consultation have been analysed.

One National Gambling Support organisation stated:

*“We welcome the position Hartlepool Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.*

*Building on the proactive approach the council is already taking, we would like to see Hartlepool Borough Council commit in its statement of principles to a public health approach to gambling.”*

A copy of the full response received can be found in **Appendix 1**.

Addressing the matters raised in response to the consultation the Licensing Authority are working closely with our Public Health Department and attending Regional Gambling Harms meetings. These close links ensure we are well-informed with legislative changes, remain conversant on white paper consultations, and help ensure as an Authority we take account of the rapidly changing regulatory environment and the impact this can have on the gambling harms landscape.

- 4.4 Changes have been made to Appendix 3 of the statement of principles as some of the agencies/ organisations previously listed have ceased operation.

## 5. OTHER CONSIDERATIONS/ IMPLICATIONS

<b>Risk Implications</b>	None
<b>Financial Considerations</b>	None
<b>Legal Considerations</b>	It is a legal obligation for Hartlepool Borough Council to publish a statement of principles every three years and, as such. A new statement must be published no later than January 2025.
<b>Equality and Diversity Considerations</b>	None
<b>Staff Considerations</b>	None
<b>Asset Management Considerations</b>	None
<b>Environmental, Sustainability and Climate Change Considerations</b>	None

## 6. RECOMMENDATIONS

- 6.1 That Members note the contents of this report and approve the statement of principles required by the Gambling Act as detailed in **Appendix 2**.
- 6.2 That Members make a formal recommendation for adoption of the statement of principles to full Council at its meeting in October 2024.

## 7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a legal obligation for Hartlepool Borough Council to publish a statement of principles every three years and, as such, a new statement must be published no later than January 2022.

## 8. BACKGROUND PAPERS

- 8.1 There are no background papers to accompany this report.

## 9. CONTACT OFFICERS

Sylvia Pinkney  
Assistant Director (Regulatory Services)  
[Sylvia.pinkney@hartlepool.gov.uk](mailto:Sylvia.pinkney@hartlepool.gov.uk)

Rachael Readman  
Trading Standards and Licensing Manager  
[Rachael.readman@hartlepool.gov.uk](mailto:Rachael.readman@hartlepool.gov.uk)

## Appendix 1

# GamCare's response to Hartlepool Borough Council – Consultation on the revision of statement of principles under the Gambling Act 2005

### About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

### GamCare's comments on the revision of the statement of principles:

- We welcome the position Hartlepool Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities.
- It is vital that Hartlepool Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Hartlepool Borough Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Hartlepool Borough Council should pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.



- The changes to Hartlepool Borough Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,  
External Affairs Officer: [pollyanna.hopkins@gamcare.org.uk](mailto:pollyanna.hopkins@gamcare.org.uk)*

# STATEMENT OF PRINCIPLES

## Gambling Act 2005

*(Published \*\*\*\*\* January 2025)*





**STATEMENT OF PRINCIPLES**  
**Gambling Act 2005**  
*(Published \*\*\*\*\* January 2025)*



**Contents**

<b>Item</b>	<b>Page</b>
<b>Part A</b>	
1. The licensing objectives	2
2. Introduction	2
3. Declaration	4
4. Responsible Authorities	4.
5. Interested parties	4
6. Exchange of information	5
7. Enforcement	6
8. Licensing authority functions	7
<b>Part B - Premises licences</b>	
9. General Principles	8
10. Adult Gaming Centres	16
11. (Licensed) Family Entertainment Centres	16
12. Casinos	17
13. Bingo	17
14. Betting premises	18
15. Travelling fairs	18
16. Provisional Statements	18
17. Reviews	19
<b>Part C - Permits / Temporary and Occasional Use Notices</b>	
18. Unlicensed Family Entertainment Centre gaming machine permits	21
19. (Alcohol) Licensed premises gaming machine permits	22
20. Prize Gaming Permits	22
21. Club Gaming and Club Machines Permits	23
22. Temporary Use Notices	24
23. Occasional Use Notices	25
Appendix 1 – Local Area Profile	
Appendix 2 – Summary of Delegations	
Appendix 3 - Consultees	

*This Statement of Licensing Principles was approved by Hartlepool Borough Council on \*\*\*\*\*.*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, published 1<sup>st</sup> April 2021.*

## **PART A**

### **1. The Licensing Objectives**

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission
  - In accordance with any relevant guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives and
  - In accordance with the authority’s statement of licensing policy

### **2. Introduction**

- 2.1 Hartlepool is located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,338 of which ethnic minorities comprise 3.5% (2021 Census)
- 2.2 Hartlepool Borough Council consulted widely on this statement before it was published. A list of those persons consulted is detailed in Appendix 3.
- 2.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.4 Our consultation took place between 1<sup>st</sup> July 2024 and 26<sup>th</sup> August 2024 and we took into consideration the Code of Practice on Consultations published by HM Government in 2008 which is available at [Consultation principles: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/consultation-principles-guidance)
- 2.5 The policy was approved at a meeting of the Full Council on \*\*\*\*\* and was published via our website on \*\*\*\*\*.
- 2.6 Should you have any comments as regards this policy statement, or the consultation process, please send them via e-mail or letter to the following contact:
- Trading Standards & Licensing Manager  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY
- e-mail: [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk)
- 2.7 It should be noted that this statement of licensing principles will not override the right of any person to make an application (other than for a casino), make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 2.8 Statistics on Gambling Participation (2023) and Gambling Harm information
- In year to November 2023, overall participation in any gambling activity (in the last 4 weeks) was 48 percent overall participation in any gambling activity (in the last four weeks)(a 6 percentage point increase compared to year to June 2021).
  - In year to November 2023, the online gambling participation rate was 38 percent and falls to 16 percent when lottery draw only players are removed. This highlights the large proportion of online gamblers that only gamble on lottery draws.
  - The most popular gambling activities (in the last 4 weeks – November 2023) were lotteries including the National Lottery draws (31 percent) and other charity lottery draws (16 percent). Following lotteries, the next 3 most popular activities were scratchcards (13 percent), betting (10 percent) and instant wins (7 percent).
  - Information on gambling related harms and where to get support can be found here: [Where to get support | Gambling-related harms | Hartlepool Borough Council](#)

### 3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

### 4. Responsible Authorities

- 4.1 **The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:**

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 Hartlepool Borough Council designates the Local Safeguarding Children Board for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing).

### 5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

- 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 in either of these two groups.

- 5.2 There are a number of factors that the Council may take into account when determining whether a person lives 'sufficiently close to the premises'. These include: -

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises 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 their personal characteristics, but their interests which may be relevant to the distance from the premises.

5.3 Relevant factors will depend on the particular application. For example the Council may consider that living sufficiently close to premises to likely be affected could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

5.4 For those with business interests, the licensing authority should be satisfied that the relevant business is likely to be genuinely affected. Factors that are likely to be relevant include:

- the size of the premises
- the 'catchment' area of the premises, that is, how far people travel to visit the premises
- whether the person making the representation has business interests in that catchment area that might be affected.

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

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

## **6. Exchange of Information**

6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the

Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

## **7. Enforcement**

7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 This licensing authority's principles are that:

7.3 It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

7.4 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

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

7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY. Our risk methodology is also available upon request.

## **8. Licensing authority functions**

8.1 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

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

**PART B**  
**PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

**9. General Principles**

9.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**9.2 (i) Decision-making**

9.3 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

9.4 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

9.5 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

9.6 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.



- 9.7 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”
- 9.8 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
  - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
  - Customers should be able to participate in the activity names on the premises licence.
- 9.9 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?
- 9.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 9.11 **The Gambling Commission’s relevant access provisions for each premises type are reproduced below:**

### 9.12 Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### 9.13 Adult Gaming Centre

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

### 9.14 Betting Shops

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

### 9.15 Tracks

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

### 9.16 Bingo Premises

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

### 9.17 Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## 9.18 Premises “ready for gambling”

9.19 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.

9.20 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.

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

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

9.22 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.23 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission’s Guidance to Licensing Authorities.

9.24 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance to Licensing 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 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.

9.25 **Planning** - The Gambling Commission Guidance to Licensing Authorities states:

7.58 – In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use

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. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. [Part 11](#) of this guidance gives more information about provisional statements.

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

7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

9.27 **Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

9.29 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

9.30 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should

pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

9.31 Ensuring that gambling is conducted in a fair and open way - **This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.**

9.32 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

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

9.34 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

9.35 **Conditions** - Any conditions attached to licences will be proportionate and will be:

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

9.36 Decisions on individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this

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

9.37 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

9.40 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.

9.41 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

9.42 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises

may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

9.43 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

#### 9.44 **Local Risk Assessments**

9.45 Since 6 April 2016, the Gambling Commission's 'Licence Conditions Code of Practice' (LCCP) has required all existing licensees that provide gambling facilities at their premises, to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

9.46 In making risk assessments, licensees must take into account relevant matters identified in this policy.

9.47 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

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

9.48 The licensing authority will expect the local risk assessment to consider as a minimum:

- Whether the premise is in an area with high levels of crime and/or disorder
- Whether the premise is in an area of high deprivation
- The demographics of the area in respect of vulnerable groups of people including those with gambling dependencies, where this information is available
- Location of services and amenities for children in the area such as schools, playgrounds, leisure facilities and other areas where children may gather.

9.49 The risk assessment may also include:

- Procedures in place to ensure staff are adequately trained in how to monitor and deal with customers suspected of excessive gambling (including brief

intervention (training for staff), vulnerable persons or children and also details and regularity of training given

- Details of supervisory and management procedures in place including number of staff available and their designated duties and responsibilities
- Details of any consideration given to the need for CCTV in the premise and if installed how the system will be operated and monitored and what coverage it is designed to give in the premise.
- Details of the signage and documents relating to games rules, gambling care providers and other relevant information including a consideration of whether information needs to be provided in another language that may be prevalent in the locality.

9.50 Such information may be used to inform the decision the Authority makes about whether to grant a licence, to grant a licence with special conditions or to refuse the application. The policy does not prevent an application made and each application will be decided on its merits with the onus being on the applicant to show how the concerns.

## **10. Adult Gaming Centres**

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

10.2 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, nor exhaustive, and is merely indicative of example measures.

## **11. (Licensed) Family Entertainment Centres:**

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be



sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

## **12. Casinos**

12.1 This licensing authority has passed a 'no casino' resolution on the basis that whilst it recognises that gambling can be an enjoyable and harmless activity for many, it believes that a casino may provide an environment that may harm vulnerable persons who may gamble beyond their means.

12.2 Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

## **13. Bingo premises**

13.1 This licensing authority notes that the Gambling Commission's Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted: -

*18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that*

*premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.*

#### **14. Betting premises**

- 14.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of 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 wants to offer.

#### **15. Travelling Fairs**

- 15.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 15.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

#### **16. Provisional Statements**

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.

- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 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.
- 16.5 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.
- 16.6 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 has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **17. Reviews**

- 17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and

- in accordance with the authority's statement of principles.
- 17.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 17.3 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.
- 17.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 17.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 17.7 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.
- 17.8 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.
- 17.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

**PART C**  
**Permits / Temporary & Occasional Use Notice**

**18. Unlicensed Family Entertainment Centre gaming machine permits**

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

18.2 Gambling Commission Guidance states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

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

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

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

**19. (Alcohol) Licensed premises gaming machine permits - Automatic entitlement: 2 machines**

19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

19.2 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; or
- an offence under the Gambling Act has been committed on the premises.

### **19.3 Permit: 3 or more machines**

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

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

19.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

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

## **20. Prize Gaming Permits**

20.1 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

20.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## **21. Club Gaming and Club Machines Permits**

21.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

21.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

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

- (a) 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;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) an objection has been lodged by the Commission or the police.

- 21.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 21.5 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.

## **22. Temporary Use Notices**

- 22.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 22.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 22.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 22.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".



22.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

22.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

### **23. Occasional Use Notices**

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

END

## **CONTACT DETAILS, ADVICE & GUIDANCE**

Further details regarding the licensing application process, including application forms, can be obtained from:

The Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Tel No: 01429 523354

Fax No: 01429 523308

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

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

## Local Area Profile

The Gambling Commission recommends that licensing authorities provide a 'local area profile' to assist gambling operators to understand the risks, or potential risks, associated with particular geographical areas.

As an area profile can change with time, Hartlepool Borough Council refers licence holders, or potential applicants, to the following sources of information about Hartlepool: -

Government website – Indices of deprivation 2019 -

<https://www.gov.uk/government/publications/english-indices-of-deprivation-2019-research-report>

Gambling Outlet Accessibility in Hartlepool

[CDRC Mapmaker: Access to Healthy Assets & Hazards \(Gambling Outlet Accessibility\)](#)

**SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED  
UNDER THE GAMBLING ACT**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Final approval of three year Statement of licensing principles	X		
Policy not to permit casinos	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Setting of licence fees			X

## CONSULTATION

The following individuals/agencies and organisations were consulted about this Statement of Licensing Principles between July and August 2024: -

Hartlepool Borough Council councillors  
Cleveland Police  
Cleveland Fire Service  
Hartlepool Borough Council Planning Department  
Hartlepool Development Corporation  
Hartlepool Borough Council Trading Standards Service  
Hartlepool Borough Council Environmental Health  
Tees Valley Combined Authority  
HMRC  
Gamblers Anonymous  
GamCare  
British Beer and Pub Association  
~~Association of British Bookmakers~~  
Bingo Association  
Remote Gambling Association  
~~Business in Sport & Leisure~~  
~~Casino Operators Association~~  
BACTA  
British Holiday & Home Parks Association  
British Race Courses Association Ltd  
~~British Casino Association~~