

# Toft Parish Council

**I hereby give notice that the 785th meeting of Toft Parish Council will be held on Monday 5 July 2021 at 7.00 pm in the People's Hall, Toft**

The Public and Press and County and District Councillors are invited to be present and Members of the Parish are welcome to attend and may speak under the Open Public Session item and make representation to the Council on items on the agenda during this section of the meeting

All members of the Council are hereby summoned to attend for the purpose of considering and resolving upon the business to be transacted at the Meeting as set out hereunder



Mrs Gail Stoehr, Clerk

30/06/21

## AGENDA

### **Public participation on agenda items and matters of mutual interest (includes reports from County and District Councillors and representation by members of the public)**

1. Apologies for absence and declaration of interests
  - 1.1 To approve written apologies and reasons for absence
  - 1.2 To receive declarations of interests from councillors on items on the agenda
  - 1.3 To receive written requests for dispensations and to grant any dispensations
2. To approve the minutes of the last meeting
3. To consider any matters arising from the last or a previous meeting including
  - 3.1 (3.0.5) Refurbishment of notice boards <sup>(JW)</sup>
  - 3.2 (4.1) Bennell Farm S106 funds – to consider response from SCDC
  - 3.3 (4.3) 20's Plenty – to consider response and any next steps
  - 3.4 (7.3) Toft People's Hall – Proposed community facilities upgrade
  - 3.5 (7.1) Small cherry on the Green – to note Oakes and Watson's response
4. To consider correspondence received since the last meeting requiring the Council's attention
  - 4.1 SCDC – Gambling Act 2015 – Review of Statement of Licensing policy
5. Finance, Procedure and risk assessment and use of delegated powers
  - 5.1 To consider the finance report and approve the payment of any bills
  - 5.2 To receive play inspection reports and consider any work required
  - 5.3 To consider any matter which is urgent because of risk or health and safety
  - 5.4 To receive the Internal Auditor's report
6. To consider any Planning or Tree works applications or related items received
  - 6.1 Planning applications
    - 6.1.1 21/01919/FUL – Land rear of Hardwick Road – Part demolition of industrial building and conversion of remaining into a detached private dwelling and associated works
    - 6.1.2 21/02155/HFUL – 5 School Lane – Single storey rear extension
  - 6.2 SCDC decisions for information
  - 6.3 Tree works applications
7. Members items and reports for information only unless otherwise stated
  - 7.1 Village Maintenance <sup>(AT)</sup>
  - 7.2 Highways <sup>(AT)</sup>
  - 7.3 Toft People's Hall <sup>(LB)</sup>
  - 7.4 Footpaths <sup>(EM)</sup>
  - 7.5 Defibrillator report <sup>(PEE)</sup>
  - 7.6 Climate Change Working Group report <sup>(KP)</sup>
8. Closure of meeting

## Clerk report to Toft Parish Council meeting on 5 July 2021

1. To approve written apologies and reasons for absence – any received will be reported to the meeting.
- 1.2 To receive declarations of interests from councillors on items on the agenda  
The clerk advises the Code of Conduct requires any Councillor who has an interest in a matter under discussion to declare an interest and the type of interest held. They are also required to declare if their spouse or someone they live with has an interest. With land or licences to occupy land that interest is pecuniary. Under the Localism Act 2011 a member with a pecuniary interest must withdraw from the meeting unless they have been granted a dispensation.
2. To approve the minutes of the last meeting on 7 June – attached
3. To consider any matters arising from the last or a previous meeting
  - 3.1 (3.0.5) Refurbishment of notice boards <sup>(JW)</sup>
  - 3.2 (4.1) Bennell Farm S106 funds – to consider response from SCDC  
“Details relating to what contributions have been secured are contained in the section 106 agreement dated 21 December 2017.

In terms of contributions that Toft Parish Council are to benefit the Off-site Sports and Community Uses Contribution includes £20,000 towards carrying out Improvements to Toft recreation ground. Furthermore there is a Toft People's Hall Contribution which means a contribution of £20,000 towards Toft People's Hall

Both sums will be index linked and are payable prior to first Occupation of 50% of the Dwellings.

In terms of the second application at Bennell Farm comprising 41 dwellings I have suggested the following be secured:

**Formal sports of £42,610.10** all of which is proposed be allocated towards the delivery of a new sports pavilion and community room at Comberton recreation ground

**Formal children's play space of £57,190.23** of which £20,000 is proposed be allocated to the provision of and improvement to play equipment in Toft and £37,190.23 is proposed be allocated to the provision of a new multi-use games area in Comberton

**Indoor Community Space of £19,345** of which £8,000 is proposed be allocated to the reconfiguration of the first floor of Toft Peoples Hall and £11,345 is proposed be allocated to the delivery of a new sports pavilion and community room at Comberton recreation ground

**Green Infrastructure of £4,100** of which £3,000 is proposed be allocated to fund an 'Explorers Walk' project in Comberton and Toft and £1,100 is proposed be allocated to fund improvements at Hardwick Wood SSSI

**Allotments and Community Orchards of £2,000** towards improvements to Toft allotments

I have not suggested triggers as yet but would want monies secured as early as possible.

I hope this answers your question. Do let me know if there is anything else I can help with.”

James Fisher | Section 106 Officer

3.3 (4.3) 20's Plenty – to consider response and any next steps

Thank you for your letter of 15th June. I'm delighted to hear of Toft Parish Council's resolution.

I would recommend that you get in touch with Anna Semlyen ([anna.s@20splenty.org](mailto:anna.s@20splenty.org), copied), the national Campaign Manager of 20's Plenty for Us, and set up a local 20's Plenty group for the area of Toft Parish Council. (Cambridgeshire already has a number of such local 20's Plenty groups - our voice is becoming stronger all the time.) We recommend using 20mph wheelie bin and window stickers, which can be acquired from Anna. These give a clear visual message to people driving through that residents would like them to drive at a safe speed.

The new administration expressed their intention to make 20mph easier to get in their Joint Administration agreement. I would recommend that Toft Parish Council send a letter addressed to the whole Highways and Transport Committee to ask for the area covered by Toft Parish Council to go 20mph as soon as possible. Cllr Peter McDonald is the Chair. [Email addresses of all members of the Committee provided]

Members of Toft Parish Council would be very welcome to join the monthly online meetings for 20's Plenty for Cambridgeshire supporters. The next one is at the end of this month. The details are as follows:

Topic: 20's Plenty for Cambridgeshire Supporters

Time: Jun 30, 2021 07:30 PM London

Join Zoom Meeting

<https://us02web.zoom.us/j/88403976902?pwd=ZThVOXo1NUpBd1J5QXpqQWg2a2pOQT09>

Meeting ID: 884 0397 6902

Passcode: 20mph”

County Cllr Michael Atkins has replied:

“This is very helpful. I'm not aware of any active campaigns at present, but there is widespread concern about speeding in villages and I'm planning to pick this up in the summer.”

3.4 (7.3) Toft People's Hall – Proposed Community Facilities upgrade

“Toft People's Hall is the main hub for community activities in the village and largely through the Toft Social Club a diverse programme of regular and one-off events has been staged in the Hall which has helped it gain a reputation as a venue that punches above its weight relative to the size of village.

The Hall had a major refurbishment for the 2000 Millennium but is now in need of a makeover. The enforced temporary Covid lockdown has given the Hall Committee time to review if the Hall is responding to the changing needs of the community particularly in respect of the significant numbers of families that have recently moved into the village.

It is evident that several sections of the community are under-represented in the current use of the Hall (pre COVID restriction) including families with young children and the elderly. The proposed upgrade of the facilities is intended to help make the Hall a more inclusive venue for all of the village community with particular emphasis on day time use.

To judge the potential demand for any new facilities the Hall Committee carried out a village wide survey via a questionnaire. The proposal receiving the most significant

support was for the establishment of a Community Café followed by the need for adaptations to facilitate the use of the building by groups providing activities for pre-school children.

The purpose of the Small Grant Funding application is to provide the financial resources to purchase the equipment and carry out the building work necessary to achieve these objectives.

As an integral part of the upgrade work it is the wish of the Hall Committee to improve the access to the building particularly for residents requiring mobility aids from push chairs to wheel-chairs. It is planned that a new entrance will be created by converting the existing full height windows to the bar lounge area to a glazed door and side light with suitable ramped access externally.

The enhanced use of the external space in the existing car park / courtyard area is also an objective of the proposal, this will provide an outside seating area for the Community Café but also additional facilities for current occasional use of the area i.e.: - the Social Club run Barbeque and Beer Festival. It is intended that the existing external kitchen door will be replaced by a stable door arrangement providing a serving hatch direct from the kitchen to the external area.

A further aim of the Committees proposals is to improve the Halls limited storage capacity both externally and internally to allow for the storage of any new equipment.

The Committee plans that the building work and equipment will be for the benefit of all users of the Hall and will not be restricted to specific users, subject to approval by the Committee and any necessary qualifications required for the use of specialist equipment (ie the Coffee Machine).

The proposed upgrade of the existing facilities will of necessity need to be phased being dependant on the time scale involved in purchasing equipment or carrying out building works.

The Hall Committee therefore propose the following programme and consequent draw down of funding.

### **Phase 1** (August 2021)

Purchase of equipment as attached schedule (complete with cost estimates) to enable a volunteer run Community Café to be launched in August 2021 with use of an external seating area.

The cost estimates are dependent upon availability and delivery times, but the total requested draw down will not exceed the agreed £2,800 for short term expenditure.

### **Phase 2** (Estimated early 2022)

Building Work (subject to obtaining quotations)

- 1) Remove existing external kitchen door and frame and supply and fit new Stable door and frame (to provide serving hatch to external area).
- 2) Remove existing Bar Lounge full height windows (North Elevation) and supply new wheelchair accessible glazed door and sidelight. Work to include all necessary ramped access.

- 3) Fit new range of cupboard doors to existing cupboard space below sloping ceiling of main first floor room (South Side).”

## Toft Peoples Hall - Community Café 2021

### Phase 1 ( August 2021 )

Expenses Type	Establishment	Estimate
Childrens High Chairs (2 No) with trays and cushions	<a href="https://www.ikea.com/gb/en/search/products/?q=high%20chair">https://www.ikea.com/gb/en/search/products/?q=high%20chair</a>	£31.68
Coffee Machine (Francino Bambino)	<a href="https://www.nisbets.co.uk/fracino-little-gem-coffee-machine-semi-automatic/gj473">https://www.nisbets.co.uk/fracino-little-gem-coffee-machine-semi-automatic/gj473</a>	£1,500.00
Teapots (4No)		£30.00
Milk/Cream Jug - small (6No)		£12.00
Picnic Set Tables - eco plastic (2 No)	<a href="https://www.gardenfurniturecentre.co.uk/eco-picnic-table-180cm.html?_store=default">https://www.gardenfurniturecentre.co.uk/eco-picnic-table-180cm.html?_store=default</a>	£1,200.00
<b>Total Phase 1 costs</b>		<b>£2,773.68</b>

### 3.5 (7.1) Small cherry tree on the green

Oakes and Watson have written:

“We have today popped by to assess the Cherry on the green by Toft Chinese. The tree itself is clearly struggling, we suspect due to the several dry summers that we have had in the past three consecutive years.

There is also evidence of Canker present at several locations on the trunk, although not severe enough currently to warrant the trees removal.

Currently the tree appears to be holding its own so we would recommend that it be reassessed in summer 2022.”

## 4. Correspondence

### 4.1 SCDC – Gambling Act 2015 – Review of Statement of Licensing policy

#### **“Statement of Gambling Principles Consultation**

“Under the Gambling Act 2005, the Council regulates the provision of premises for gambling (for example, betting shops, bingo halls, amusement arcades), the provision of

gaming machines in clubs and alcohol licensed premises and small society lottery registration.

At least every 3 years, the Council must review and adopt a Statement of Licensing Principles/Policy that details how the Council will undertake its licensing functions. The current Statement of Licensing Principles has been in effect since 31 January 2019 therefore the Council has undertaken a full review. The proposed policy sets out the approach the Council will take when determining applications for new licences, variations and reviews.

There are only two minor amendments proposed:

- i) The removal of a date at section 7;
- ii) Removal of obsolete Gambling Commission guidance relating to Planning within Part B – General Principles.

A copy of the draft Policy with changes tracked is attached for your reference.

I would appreciate any comments on the above at your earliest opportunity, and in any case no later than by 9 August 2021.”

Rachel Jackson | Principal Licensing Officer

5. Finance, Procedure and risk assessment and use of delegated powers

5.1 To consider the finance report and approve the payment of any bills  
Attached.

5.2 Play inspection reports – to be reported to the meeting.

5.3 To consider any matter which is urgent because of risk or health and safety  
None at the time of writing.

5.4 To receive the Internal Auditor's report

6.1 Planning Applications received

\* NB Some planning applications may not be specifically listed on this agenda but may still be considered by the Parish Council due to the time constraints of making a recommendation to the District Council.

**The planning portal for new applications can now be found at <https://applications.greatercambridgeplanning.org/>**

**The Parish Council's options are  
SUPPORTS or OBJECTS or NEUTRAL  
Comments:**

**The Parish Council *does/does not*\* request that the application be referred to the District Council Planning Committee \*(please delete)**

**Planning reasons:**

Guidance:

What are Material Considerations - A material consideration is a matter that should be taken into account in deciding a planning application or appeal against a planning decision.

Examples of material considerations can include (but are not limited to).

- Overlooking / loss of privacy

- Loss of light/overshadowing
- Highway Safety
- Traffic
- Parking
- Noise
- Layout and density
- Design, appearance and materials
- Effect on listed Building and Conservation Areas
- Nature Conservation and or impact on protected trees or the landscape.
- Disabled Person's access
- Government Policy
- Compliance with the Local Plan.

The following are **not normally** issues that can be taken into account:

- Loss of property value
- Issues of market competition
- Loss of a view
- The applicant's motive, character or personal circumstances
- Matters covered by other legislation including restrictive covenants
- Issues relating to landownership/property boundaries.
- Moral or religious Issue

6.1.1 21/01919/FUL – Land rear of Hardwick Road – Part demolition of industrial building and conversion of remaining into a detached private dwelling and associated works

6.1.2 21/02155/HFUL – 5 School Lane – Single storey rear extension

## 6.2 SCDC decision notices

6.2.1 20/03864/FUL – Land adj to 6 Hardwick Road – Erection of a detached dwelling and associated works following demolition of existing industrial building – Withdrawn.

## 6.3 Tree works

None at the time of writing.

## 7. Members' items and reports for information only unless otherwise stated

7.1 Village Maintenance <sup>(AT)</sup>

7.2 Highways <sup>(AT)</sup>

7.3 Toft People's Hall <sup>(LB)</sup>

7.4 Footpaths <sup>(EM)</sup>

7.5 Defibrillator report <sup>(PE)</sup>

7.6 Climate Change Working Group report <sup>(KP)</sup>

8. Closure of meeting

# SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

## STATEMENT OF GAMBLING ACT 2005 POLICY

3 YEARLY REVIEW 20~~19~~22

### REVISED POLICY Gambling Act 2005

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Explanatory Note - The Gambling Act 2005 came into force from 1 September 2007. With the exception of the National Lottery and Spread betting, the Gambling Commission regulates gambling and betting. Local Authorities have a duty under the Act to licence premises where gambling takes place and to licence certain other activities such as small lotteries and gaming machines.



- Citizens' Advice Bureau
- Clinical Commissioning Group
- Trade associations including independent bookmakers within SCDC area and other trade representatives as become apparent ~~in due course~~.

## **PART A**

### **2. The Licensing Objectives**

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:

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

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".

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 is:

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

### **3. Declaration**

In producing the policy, 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 policy.

### **4. Responsible Authorities**

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.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

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

- Licensing Authority
- The Gambling Commission
- The Chief of Police for Cambridgeshire

- The Cambridgeshire Fire and Rescue Authority
- South Cambridgeshire District Council Planning Authority
- South Cambridgeshire District Council Health and Environmental Services
- County Council Children's Services (Safeguarding and Standards Unit)
- HM Revenue and Customs
- Any other person prescribed in regulations to be prescribed by the Secretary of State.

## **5. Interested parties**

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

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.

Section 158 of the Act defines interested parties. To accept a representation from an interested party, the licensing authority must take the view that the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- (b) has business interests that might be affected by the authorised activities
- (c) represents persons in either of these two groups.

## **6. Exchange of Information**

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.

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 General Data Protection Regulations 2018 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.

Should any protocols be established as regards information exchange with other bodies then they will be made available at [www.scambs.gov.uk](http://www.scambs.gov.uk).

## **7. Enforcement & Inspection**

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.

This licensing authority will operate to the SCDC Corporate Enforcement & Inspection Policy

which is considered consistent within the Gambling Commission guidance and the Regulators' Compliance Code ~~updated by Central Government April 2014~~.

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.

This licensing authority will adopt and implement 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 policy

### **8. Equality and Diversity**

The Council must comply with the Public Sector Equality Duty in the exercise of its functions and have due regards to the needs of persons who share a relevant protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). A full equality impact assessment will be prepared should committee recommend this draft policy to full Council.

### **9. Licensing authority functions**

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 and make available such registers at any reasonable time to the public who may request copies of the entries. The Authority is entitled to make a charge for copies.

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

## 1. General Principles

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.

### Decision-making

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 acts:

- 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 Gambling Act 2005 policy

This authority recognises 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

This licensing authority takes particular note of the Gambling Commission's Guidance at paragraph 7.5 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 named on the premises licence.

### 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.

At the time of issuing this statement of licensing principles there is no specific policy in place with regards to areas where gambling premises should not be located and therefore has no need for a Local Area Profile due to the low number of gambling outlets and the rural nature of the area.

### Local Risk Assessments

This authority will expect applications for new licences or variations to have conducted a local

area risk assessment (see guidance notes)

### Planning:

The Gambling Commission Guidance to Licensing Authorities states:

~~7.59 —“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).”~~

Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if 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.

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:

**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 cannot be met by licensees due to planning restrictions, should such a situation arise.

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, building regulations –along with other planning legislation must not form part of the consideration for the premises licence.

**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.

**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 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.

**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.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority will, as suggested in the Gambling Commission's Guidance, consider whether specific measures are required at particular premises, with regard to this licensing objective.

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

As regards the term "*vulnerable persons*" it is noted that the Gambling Commission does not seek to offer a definition but gives clear guidance. This licensing authority will consider this licensing objective on a case-by-case basis.

**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;
- reasonable in all other respects.

Decisions upon 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.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences in accordance with the Gambling Commission's Guidance.

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.

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

## **2. Adult Gaming Centres**

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.

### **3. Licensed Family Entertainment Centres:**

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.

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.

### **4. Casinos**

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy with details of that resolution. Any such decision will be made by the Full Council.

### **5. Bingo premises**

This licensing authority notes that the Gambling Commission's Guidance states:

*18. Licensing authorities will 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.*

A holder of bingo premises licences may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

This authority also recognises the Guidance at 18.7 with respect to the separation of category B & C machines to be separated from areas where children and young people are allowed.

### **6. Betting premises**

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

### **7. Tracks**

The Act does not give a list of premises that are officially recognised as "tracks" but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities

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 especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) 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.

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

In respect of gaming and betting machines this authority will expect the following :-

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

*Betting machines* - This licensing authority will, as per Part 7 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

## **8. Provisional Statements**

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:

- (a) expects to be constructed;
- (b) expects to be altered; or
- (c) expects to acquire a right to occupy.

The licensing authority will be constrained in the matters it can consider when determining the subsequent 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.

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

## **9. Reviews:**

Interested parties or responsible authorities can make requests for a review of a premises licence; 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 Gambling Act 2005 policy

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.

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.

In determining what action, if any, should be taken following a review, this licensing authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

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.

## **PART C**

### **Permits / Temporary & Occasional Use Notice**

#### **1. Unlicensed Family Entertainment Centre gaming machine permits (Policy on Permits - Schedule 10 paragraph 7)**

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context will not be limited to harm from gambling but will include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants 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.

#### **2. (Alcohol) Licensed premises gaming machine permits – 3 or more machines**

This licensing authority considers that these applications 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 harm or being exploited by gambling and will expect the applicant to satisfy the authority

that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

This Licensing Authority recognises 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.

### **3. Prize Gaming Permits**

This authority expects that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- clear policies that outline the steps to be taken to protect children from harm.

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 will have regard to any Gambling Commission guidance.

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

This Licensing Authority may only refuse an application on the grounds that:

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

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).

### **5. Temporary Use Notices**

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

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

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.

## 6. Occasional Use Notices:

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.

## 7. Delegation Table

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub-Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		Portfolio Holder	
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 licence		Where representations have been received from the Commission or a Responsible Authority	Where no representations received from the Commission or a Responsible Authority
Application for a provision statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of 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			X

gaming machine permits			
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

### Additional Information

#### Categories of Gaming Machines

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (maximum £20,000 linked jackpot)
B2	£100 (multiples of £10)	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize machine	10p	£5 cash
D – general	10p	£8 (£5 maximum money prize)
D – non-money prize machine	30p	£8 (non-money prize)
D – crane grab machine	£1	£50 (non-money prize)
D – coin pusher	20p	£20 (£10 maximum money prize)

## TOFT PARISH COUNCIL MONTHLY FINANCIAL STATEMENT

Jul-21

## Summary of previous month

<b>Balance brought forward</b>	<b><u>67,316.53</u></b>
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## Adjustments

## Expenditure approved at previous / between meetings

PLAYSAFETY LTD	ROSPA INSPECTION	-94.80
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## Credits

SCDC	PRECEPT	7500.00
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## Total Adjustments

7405.20

## Balance revised after adjustments

**£74,721.73**

## Bank Reconciliation to latest statement

Account	Funds	Statement	Outstanding
Unity Trust Bank	8,053.20	9050.00	-996.80
Natwest Current Account	30,087.92	30087.92	
Nationwide BS	36,464.69	36464.69	
<b>Total</b>	<b>74,605.81</b>	<b>75,602.61</b>	<b>-996.80</b>

## Expenditure for approval

£

SALARIES		115.88
LGS SERVICES	ADMIN SUPPORT JUNE	446.75
RH LANDSCAPES	GRASSCUTTING	96.00
RH LANDSCAPES	GRASSCUTTING	96.00

754.63

Balance C/F

**73851.18**

Gail Stoehr

Responsible Financial Officer

## Notes:

*Late invoices will be brought to the meeting*

## OBSERVATIONS AND REPORT

## THE COUNCIL

The Council has been very busy with a large number of members of the public "attending" zoom meetings dealing with major local campaigns.

## DONATIONS

I understand the Council has agreed to contribute up to £5,000 in March 2021 and the remaining £3,500 was agreed to be paid at the April 2021 meeting. The Council considered its S.137 allowances for the two years and the CAPALC guidance so agreed to make separate payments in two financial years. Yours S.137 allowance for FY2022 is £4,126.72.

## RISK ASSESSMENT &amp; MANAGEMENT

Evidence from reports to council meetings is satisfactory which includes log sheets for playground being reviewed at monthly meetings.

The Playground has had an annual RoSPA inspection by Play Safety Ltd.

## CONTRACTORS

The Council have renewed the contract with RH Landscapes for the same price as last year.

## VILLAGE GREEN

The Council has agreed to apply to Land Registry to register the village green.

## INSURANCE

Is with Came & Co. the Clerk has confirmed it has also has data breach cover.

PRECEPT	£15,000	FIXED ASSET REGISTER	£403,658
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General Reserve  
Earmarked  
CiL/S.106

c/f balance £73.213

Jacquie Wilson (Mrs)  
Director