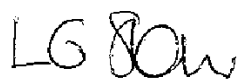


HARDWICK PARISH COUNCIL

**I hereby give notice that the Meeting of the Parish Council will be held
on Tuesday 27 July 2021 at 7.00 pm at the Cabin at St Mary's**

The Public and Press are cordially invited to be present. The order of business may be varied.

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 below.


Mrs Gail Stoehr, Clerk
20/07/21

AGENDA

Open Public Session including reports from the County & District Councillors

- 1 To receive apologies for absence**
- 2 Declarations of interest**
 - 2.1 To receive declarations of interests from Cllrs on items on the agenda and details of dispensations held
 - 2.2 To receive written requests for dispensation and grant any as appropriate for items on this agenda
- 3 To approve the minutes of the previous meeting and the extra-ordinary meeting on 20 July and the extra-ordinary meeting on 20 July**
- 4 Matters arising or deferred from the last or previous meetings for discussion/decision**
 - 4.1 (5.1) Millers Way improvements – to consider the revised fees and services correspondence from Civilistix, and to consider two quotations for a topographical survey
 - 4.2 (5.2) To review the play areas in light of ongoing maintenance and consider what, if anything, should be done ^(AJ)
 - 4.3 (6.2) To consider quotation for replacement litter bin for the Recreation Ground
 - 4.4 (8.1) To consider report on road naming and proposal to write to the families of those concerned ^(SR)
- 5 Finance, risk assessment and procedural matters**
 - 5.1 To consider any quotes for urgent work required because of risk and the Clerk's use of delegated powers
 - 5.2 To receive play areas and skate park inspection reports and consider if any work is required
 - 5.3 To receive the financial report and approve the payment of bills
- 6 To consider any correspondence/communications received requiring formal noting by or a decision of the Council**
 - 6.1 Speedwatch - request for 2 x MVAS mounting poles ^(PJ)
 - 6.2 To consider if there has been any encroachment of 17 Ashmead Drive onto the POS and what if any action is required
 - 6.3 Residents – Problems with parking in Egremont Road and yacht parking
 - 6.4 SCDC – Gambling Act 2015 – Review of Statement of Licensing policy
 - 6.5 SCDC – Visitor attraction and tourism website
- 7 To consider any planning applications and decision notices and tree works applications ***
 - 7.1 Planning applications and appeals
 - 7.1.1 21/03028/PRI01A – 38 Ellison Lane – Ground floor rear extension
 - 7.1.2 21/00869/NMA1 – 37 Cambridge Road – Non-material amendment on application 21/00869/FUL for changes to the fenestration of the utility
 - 7.1.3 21/02303/HFUL – 25 Ashmead Drive – Demolition of existing wall and re-build to the same height, using materials to match and move the existing northern garden wall to the boundary line – to note response made between meetings using Clerk's delegated powers – The Parish Council was neutral and made no comments.
 - 7.2 SCDC and appeal decision notices - to note
 - 7.3 Tree works applications
 - 7.3.1 21/0800/TTCA – 38 Main Street
 - 7.3.2 21/0801/TTCA – Old Rectory, Main Street
- 8 Members reports and items for information only unless otherwise stated**
 - 8.1 New Housing Developments and Planning Obligations ^(SR)

* NB Some planning and tree works 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. For more information see the current planning application consultations on <http://plan.scambs.gov.uk/>

- 8.2 Proposal that the Council make sure there is proper mitigation in place for the village of Hardwick with respect to environmental impact that the C2C would have: including but not limited to noise, air, visual, and privacy implications/pollution to a good portion of residents. Can the Council be pro-active about these already and make sure proper proven actions are taken to mitigate such impacts, which will have a long-lasting effect on our Village, and coming generations. As such, enquire about establishing constant close communication with the project manager about such mitigations and confirmation from them about taking the Council/village concerns seriously. ^(AJ)
- 8.3 Proposal that the Council consider allotment allocation, tenancy agreements and rents in preparation for the allotments being handed over to the Council and in response to enquiries from residents ^(AG)
- 8.4 Proposal that providing Councillors are not soliciting other councillors to support proposals for Parish Council decisions, then Parish Councillors are free to engage with each other by email or otherwise between meetings. This shall not be limited to Councillors in the same working group and is proposed in the interest of normal communications practice, to ensure a shorter time-frame both at meetings and in the conclusion of business that specifies an urgent time ^(AE)
- 8.5 Cambourne to Cambridge Busway ^(AE)
- 8.5.1 Proposal that the Parish Council agrees how it will engage with Greater Cambridge Partnership on the C2C busway going forward ^(AE)
- 8.5.2 Proposal that HPC should ask questions raised at the GCP Executive Board Meeting on 1 July directly to Jo Baker, now the HPC has established a line of communications. ^(AE)
- 8.5.3 Proposal that HPC should ask County and GCP to explain how the Active Travel proposal and the C2C busway proposal are likely to be implemented. The village Facebook community soundly rejected the Active travel proposal last year. ^(AE)
- 8.5.4 Proposal that HPC should ask County Highways Management for clarification of what co-ordination is required to achieve the best outcome for Hardwick given the issues outlined above. ^(AE)
- 8.6 Proposal that HPC should ensure that any lighting improvement plans set as Conditions by the Planning Authority have Lighting Maintenance contributions is S106 Agreements when accepting or requesting Lighting improvements as part of Conditions set by Planning. The guiding principle should be that Lighting adoption, reporting and maintenance should not normally be a Hardwick Parish Council responsibility. ^(AE)
- 8.7 Proposal whether the PC would consider a bench or similar to mark the passing of Tejinder ^(AE)

9. Closure of meeting

* NB Some planning and tree works 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. For more information see the current planning application consultations on <http://plan.scambs.gov.uk/>

Open Public Session including reports from the County & District Councillors

Cllr Atkins writes “I wanted to flag that details of the proposed Active Travel Scheme on St Neot's Rd, diagram attached to this email. This is part of a non-statutory consultation available <https://consultcambs.uk.engagementhq.com/cats> after which there will be further public engagement and/or trial periods. I'm still looking to meet with the officers involved to get a fuller picture, but I thought this should be fed into our discussion of C2C.”

1. To receive apologies for absence – will be reported to the meeting.
2. Declarations of interests – members should declare their interests state why they have an interest, the type of interest held and if they have a dispensation state this and the extent of their dispensation i.e. to either speak or speak and vote. If members have a pecuniary interest, having declared an interest they must not take part in the agenda item unless they have been granted a dispensation to do so.
3. To approve the minutes of the meeting on 22 June 2021 and the extra-ordinary meeting on 20 July June attached.. The July meeting has not taken place at the time of writing.
4. Matters arising or deferred from the last or a previous meeting for discussion/decision
- 4.1 (5.1) Millers Way improvements – to consider the revised fees and services, correspondence from Civilistix, and to consider two quotations for a topographical survey

As a response to the site meeting with members Civilistix has written:

“Further to our discussions, please find attached a revised fee proposal with the following amendments;

- Removal of Highway crossover works from scope (I understand as discussed, there will not be any works with in the public Highway), fee adjusted to suit
- Removal of the previous rogue assumption indicating the design of the works will be from a thirty party (as discussed, the design is of course allowed for and this was left over from the previous proposal when we only scoped for a site monitoring role)

Assuming the attached is now acceptable, could I ask it is signed and returned back to me for our records.

To prevent delay, I will go out early next week for topographical survey quotations. As discussed, a topographical survey will be required in the first instance to inform our design package.”

The fee proposal and two topographical quotations have been circulated to members.

- 4.2 (5.2) To review the play areas in light of ongoing maintenance and consider what, if anything, should be done ^(AJ)

- 4.3 (8.1) To consider report on road naming and proposal to write to the families of those concerned
Cllr Rose to report. He writes:

“The Capstone Field developers have agreed to use names provided by the Parish Council in recognition of past residents. This is still subject to agreement by Cambridgeshire Fire and Rescue Services and Royal Mail Delivery Office.

Five names are required and our top 5 names will be put forward i.e.

Lofty
Howells
Bhachu
Turner
Barker

I suggest that the next step should be for the Parish Council to let the families know that some street names will be named after their loved ones subject to the above so that this does not come as a surprise to them.

After informing families and getting confirmation from Cambridgeshire Fire and Rescue Services and Royal Mail Delivery Office we could then publicise this within the village

I am happy to help with any of the above if needed.”

Other to note:

(8.1) Cycle rack on St Neots Road

Tam Parry at CCC has confirmed that the cycle rack on St Neots Road from the Meridian Fields S106 will be transferred to CCC's ownership and responsibility..

5. Finance and risk assessment and procedural matters

5.1 To consider any quotes for urgent work required because of risk and Clerk's use of delegated powers

5.2 To receive play areas and skate park inspection reports and to consider if any work is required

5.3 To receive the financial report and approve the payment of bills – attached.

6. To consider any correspondence/communications received

6.1 Speedwatch request for 2 x MVAS mounting poles

Cllr Joslin to report. She writes:

“The group is requested two more MVAS mounting posts, obviously Highways will supply and install, it will be a cost to HPC.”

Cllr Everitt has written:

“I agree with [redacted] that we need something nearer the entrance on St Neots Road so have added that to the request for one by the church bend.

I have attached a site plan of the locations requested. Text in purple and lines show sight lines on which we expect to display and record.

St Mary's Church bend

The stance by SCDC Helen Taylor is caused only because she has not updated her old records which show the light column we wanted to use as old style and not strong enough – it was previously referenced SC6.

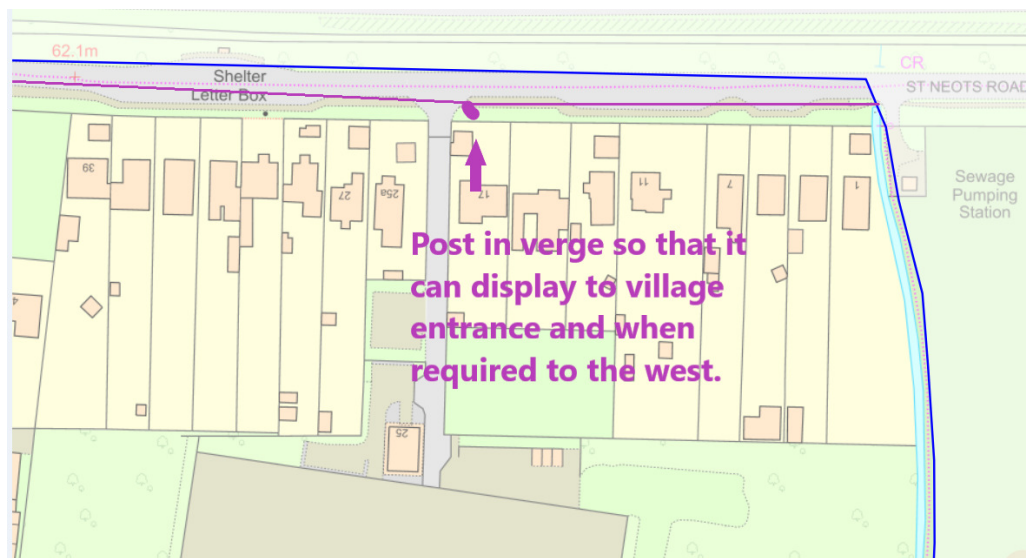
A post in this location will enable the village to display and record speed along Main Street to/from Cahills Corner and swivel the mounting to display speeds to/from the Blue Lion.

St Neots Road

We know that traffic speeds are lower is when it sees a display – evidenced in all our results. We can adjust the sensitivity and direction of the display so that it avoids collecting speeds in the unrestricted stretch of St Neots Road.

I believe the posts would be around £200 each but we could ask Highways Josh Rutherford? To save time messing about with existing mounting brackets when we mount the devices, we should also order 2 x mounting brackets. I previously got a price for this from Morelock of around £65 each but maybe Highways have spares??”





6.2 To consider if there has been any encroachment of 17 Ashmead Drive onto the POS and what if any action is required

6.3 Residents – Problems with parking in Egremont Road and yacht parking

I am writing for some advice regarding the parking along Egremont Road at school pick up and drop off times. I live at number [redacted] and have had to reverse and return to my drive because the road has become so congested due to the traffic and all the parents parking plus obstructions.

It is just a matter of time before an accident happens and parents with children are crossing a road where people are becoming impatient.

My friends along the road have all had similar experiences and this morning I could not see to reverse out of my drive due to the obstacles and obstructions.

I am very grateful for your help on this subject

Another resident has written

“[I wish to] complain to about the Yacht that has been parked on the road outside number 15 Egremont Road for some weeks now? Not only does it cause huge issues for drivers trying to see if there is oncoming traffic (both ways), I am also very concerned due to its proximity to the school/play park and vision problems it must cause for parents there. I really cannot believe they should be allowed to park it there and would like to see urgent action based on safety issues. It is an accident waiting to happen.

6.4 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.”

Draft revisions attached.

6.5 SCDC – Visitor attraction and tourism website

“South Cambridgeshire District Council is embarking on an exciting new project to build a new tourism website to showcase all the wonderful things there are to see and do across the district. The website will be called Visit South Cambs and the purpose is to help promote our local assets – such as places to visit and stay – and will help support our local businesses as they recover from the pandemic.

The website is not only to build the visitor and tourism economy, but to also promote staycations and to encourage local residents to spend with our local businesses and utilise the many local features our district offers.

This is where we need your help.

We fully understand that some of our villages are small and peaceful and may not be suitable for visitors, nor do they offer any attractions, but, whilst there are many establishments and key attractions of which we are already aware, we need your help to identify local secrets. This could be walks, parks, open spaces and places of interest or attractions open to visitors.

Whilst we will endeavour to capture all of the information from around the district, inevitably, there will be some that are unfortunately overlooked and we will be providing a contact form on the website for those that would like to be listed.

The website will also help to promote local events that take place, so we would also like to know about any village celebrations that take place, whether these are annual or bi-annual and who the best contact for these events would be.

If you would be kind enough to respond by 23 July with a list of what you feel should be included from your parishes, we would be pleased to receive that information. You can provide information by clicking on the form link <https://forms.office.com/pages/responsepage.aspx?id=Yr5uzntVNkShnHZ-yizUUal-7eDFB-BEhHyDY5ftuFUN0ZWN0QwR1pPNlpOMzE3R0NYTzNXV1pDSS4u> Equally, if you feel there is nothing to add, we would appreciate an email stating ‘nothing to add’ from you.

We would also be interested in receiving any high quality landscape images that would be suitable to use for promoting areas. If you have any images you would like us to consider using, please email them directly to visit@scambs.gov.uk, clearly stating what the images are of.

If you wish to discuss this further, please do not hesitate to contact me on 07895 214530 or by emailing me directly Tracey.Brockman@scambs.gov.uk.

Thank you for your help in advance.”

Tracey Brockman | Business Development Officer

7.1 Planning applications and appeals

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. For more information see the current planning application consultations and appeals on <http://plan.scambs.gov.uk/swiftlg/apas/run/wchvarylogin.display>

7.1.1 21/03028/PRI01A – 38 Ellison Lane – Ground floor rear extension

7.1.2 21/00869/NMA1 – 37 Cambridge Road – Non-material amendment on application 21/00869/FUL for changes to the fenestration of the utility

7.1.3 21/02303/HFUL – 25 Ashmead Drive – Demolition of existing wall and re-build to the same height, using materials to match and move the existing northern garden wall to the boundary line – to note response made between meetings using Clerk’s delegated powers – The Parish Council was neutral and made no comments.

7.2 SCDC and appeal decision notices - to note

None at the time of writing.

7.3 Tree works applications

Tree works applications may now be viewed on the SCDC Planning Portal. NB Some tree works 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. For more information see the current tree works application consultations on

<http://plan.scams.gov.uk/swiftlg/apas/run/wchvarylogin.display>

7.3.1 21/0800/TTCA – 38 Main Street

7.3.2 21/0801/TTCA – Old Rectory, Main Street

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

With the exception of New Housing Developments and Planning Obligations which is a standing item at all Council meetings the other proposals from members are included in the order received

8.1 New Housing Developments and Planning Obligations

Cllr Rose to report.

8.2 Proposal that the Council make sure there is proper mitigation in place for the village of Hardwick with respect to environmental impact that the C2C would have: including but not limited to noise, air, visual, and privacy implications/pollution to a good portion of residents. Can the Council be proactive about these already and make sure proper proven actions are taken to mitigate such impacts, which will have a long-lasting effect on our Village, and coming generations. As such, enquire about establishing constant close communication with the project manager about such mitigations and confirmation from them about taking the Council/village concerns seriously^(AJ)

8.3 Proposal that the Council consider allotment allocation, tenancy agreements and rents in preparation for the allotments being handed over to the Council and in response to enquiries from residents^(AG)

8.4 Proposal that Providing Councillors are not soliciting other councillors to support proposals for Parish Council decisions, then Parish Councillors are free to engage with each other by email or otherwise between meetings. This shall not be limited to Councillors in the same working group and is proposed in the interest of normal communications practice, to ensure a shorter time-frame both at meetings and in the conclusion of business that specifies an urgent time^(AE)

The Clerk advises:

I appreciate that the last 12 months have been unusual and that the Council has had to conduct its work remotely and that this may have led to some confusion, and the increased use of emails. My advice to the Council remains unchanged from that given to the Council in February when I also referred the Council to the Internal Auditor's comments in 2016.

8.5 Cambourne to Cambridge Busway^(AE)

8.5.1 Proposal that the Parish Council agrees how it will engage with Greater Cambridge Partnership on the C2C busway going forward

Cllr Everitt writes

“When we discuss it, can we also agree how we shall engage with GCP on this going forward please? At the GCP Executive Board Meeting on 1st July a number of public questions from Hardwick were asked which the Chairman asked Peter Blake GCP Director to respond to. Peter Blake advised the meeting that these points would be addressed with Hardwick but did not say how or when. This was not addressed at the Presentation we received on 13th July from Jo Baker.

8.5.2 Proposal that HPC should ask questions raised at the GCP Executive Board Meeting on 1 July directly to Jo Baker, now the HPC has established a line of communications.

Cllr Everitt says “If anyone missed those questions in the recording of 1st July, happy to send to all.”

8.5.3 Proposal that HPC should ask County and GCP to explain how the Active Travel proposal and the C2C busway proposal are likely to be implemented. The village Facebook community soundly rejected the Active travel proposal last year.

Cllr Everitt to report.

“We now have an on-line survey being under taken by Cambridge County Council under the heading Active Travel. This proposal is a more detailed re-submission of the "Camcycle" proposal from just over a year ago though without the scheme extending west of Cambridge Road to Knapwell. We are told this is a funded project one of several different County schemes, but the scheme shown for St Neots Road, Hardwick is in direct conflict with both the schematics presented on 13th. Current C2C Off road proposal from GCP and the also the second suggestion shown in their presentation on 13th. The second from 13th July presentation is the Option 3 from the Consultation of March 2019 though with different dimensions. GCP previously rejected this option. There were no specifics on how one or the other schemes would be judged or delivered.”

8.5.4 Proposal that HPC should ask County Highways Management for clarification of what co-ordination is required to achieve the best outcome for Hardwick given the issues outlined above.

Cllr Everitt writes:

“The same stretch of St Neots Road (east of Cambridge Road) has recently had a LHI award published. The design by County Highways is for a new village entrance which is in conflict with both the schemes 1 and 2 referred to above. In addition we have the scheme for Privately funded Improvements, pedestrian islands on the whole of St Neots Road, also designed by County Highways and for which we have been actively re-aligning funds. These issues all appear to be contradictory.”

“The coordination of activities on this road needs to be properly planned centrally but by whom?? The Combined Authority have the role of setting Transport Policy.

In addition to 1,2 and 3 above, we also have badly needed footpath and cycle path upgrades in the S106 and Heads of Agreement of Cambourne West and Bourn Airfield developments respectively, and Hardwick residents deserve to know what is likely to happen and when.

I have shared my personal concerns with Michael Atkins in his new role. as County Councillor.”

In response to a query from Cllr Everitt regarding the specifications and costs for the St Neots Road development, John O'Donnell of CCC replied as follows:

“Hardwick LHI, which also includes the PFHI, is programmed to have the draft design reviewed at the end of July. Once this is completed we will be able to look at further elements when these designs are finalised and approved.”

Cllr Everitt then wrote to Tam Parry of CCC as follows:

“You will recall following our Zoom on S106 reassignment of £54k Highways funding on S/3064/16/OL back in April, we agreed it would be necessary to first get John O'Donnell to confirm costs for St Neots Road islands etc. This would define the use of the initial £54k for Highways work reassigned from S/1694/16/OL and therefore help define the work for this second funding. John's timing for his costings appears from below email to be at least August 2021 and I guess we should resume discussions once we see his costs? Hope we get the opportunity to get this agreed soon.

By the way regarding rules on lighting work provided by a developer as a Condition imposed by planning, you referred me to David Lines in case he knew. From his silence it seems not so if you have any other thoughts it we be good to hear them. My view is that it cannot be right that lighting work imposed by SCDC Planning as a Condition should result in a cost to the Parish Council for ongoing maintenance. It doesn't happen for footpath or highways work.”

Tam Parry has replied:

“Seems like a good plan to wait for John.

In terms of any infrastructure the maintenance is done by the owner of that infrastructure, so if the lighting would become Parish property then so does the maintenance of said lighting, unless there is a contribution expected.”

Cllr Everitt has written to the Chairman and Cllr Rose:

“See [above] from Tam Parry, Principal Transport Officer CCC. We have been having dialogue with Tam over the rewording of use of the £54k S.106 from S/3064/16/OL, the second tranche of that amount from the two new developments.

There is an answer of sorts here regarding Lighting maintenance. I have asked Tam where this is recorded.

It is the last part of his statement that HPC should discuss. If we are gifted "Infrastructure" by a Condition in a Planning Agreement then we must ensure we have made arrangements for a contribution for ongoing maintenance. As we have made no arrangements for ongoing contribution of maintenance of the Lights on St Neots Road Condition 28, then unless the District or County Councils pick this up, it seems it is down to us.

As the adoption and maintenance was not part of the original negotiation - Me/Steve/Tony and Hills - my view is that we should not accept the decision by Hills just to add some of these lights to our asset without our agreement? I have emailed with Matt Becket and he is trying to get this resolved so that ownership is with District or County, not Parish. Interestingly he has not heard from either District or County regarding adoption of these lights though he asked their view back in May so just be aware that we may be arguing about all 12 lights (with maybe more from the Phase 2 allocation).

Looking at the history for the S106 on Capstone back in August 2018, I see there is a £7000 allocated for CCC for maintenance of a Bus Shelter to be placed south side St Neots Rd near the development. I guess it a case of just being savvy.

As there is no such amount for the cycle shelter in the S106 delivered as part of S/1690/16/OL then that's down to us I guess. I believe the £15k for lighting in this s106 may have been seen by SCDC as for maintenance of the lights by the Blue Lion. Only history knows for sure.

Would the lesson be to get ongoing maintenance for (x years?) before the Conditions are set?"

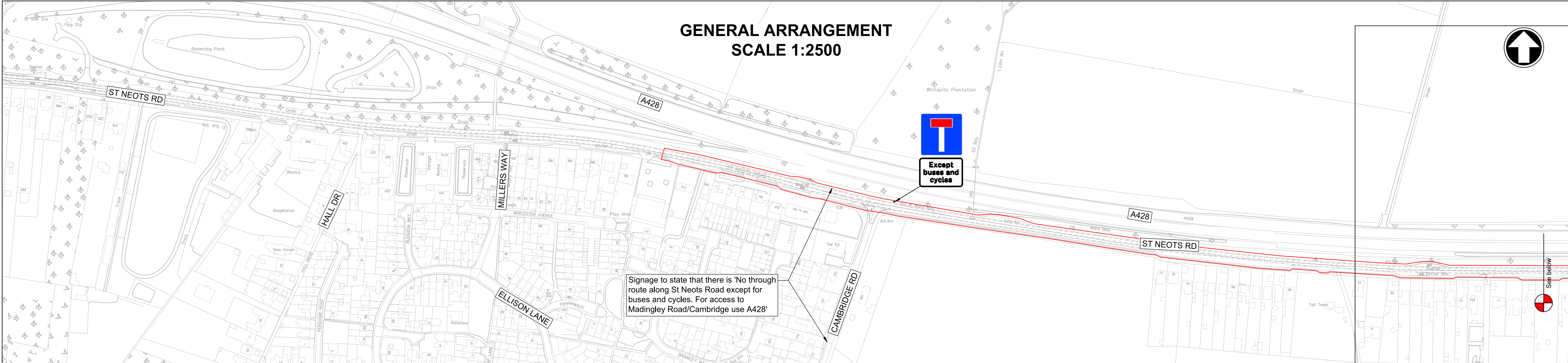
- 8.6 Proposal that HPC should ensure that any lighting improvement plans set as Conditions by the Planning Authority have Lighting Maintenance contributions in S106 Agreements when accepting or requesting Lighting improvements as part of Conditions set by Planning. The guiding principle should be that Lighting adoption, reporting and maintenance should not normally be a Hardwick Parish Council responsibility.

Cllr Everitt to report.

"On advice from Highways Principal Transport Officer at CCC, I propose that HPC should ensure that any Lighting improvement plans set as Conditions by the Planning Authority have Lighting Maintenance contributions in S106 Agreements when accepting or requesting Lighting improvements as part of Conditions set by Planning.

The guiding principle should be that Lighting adoption, reporting and maintenance should not normally be a Hardwick Parish Council."

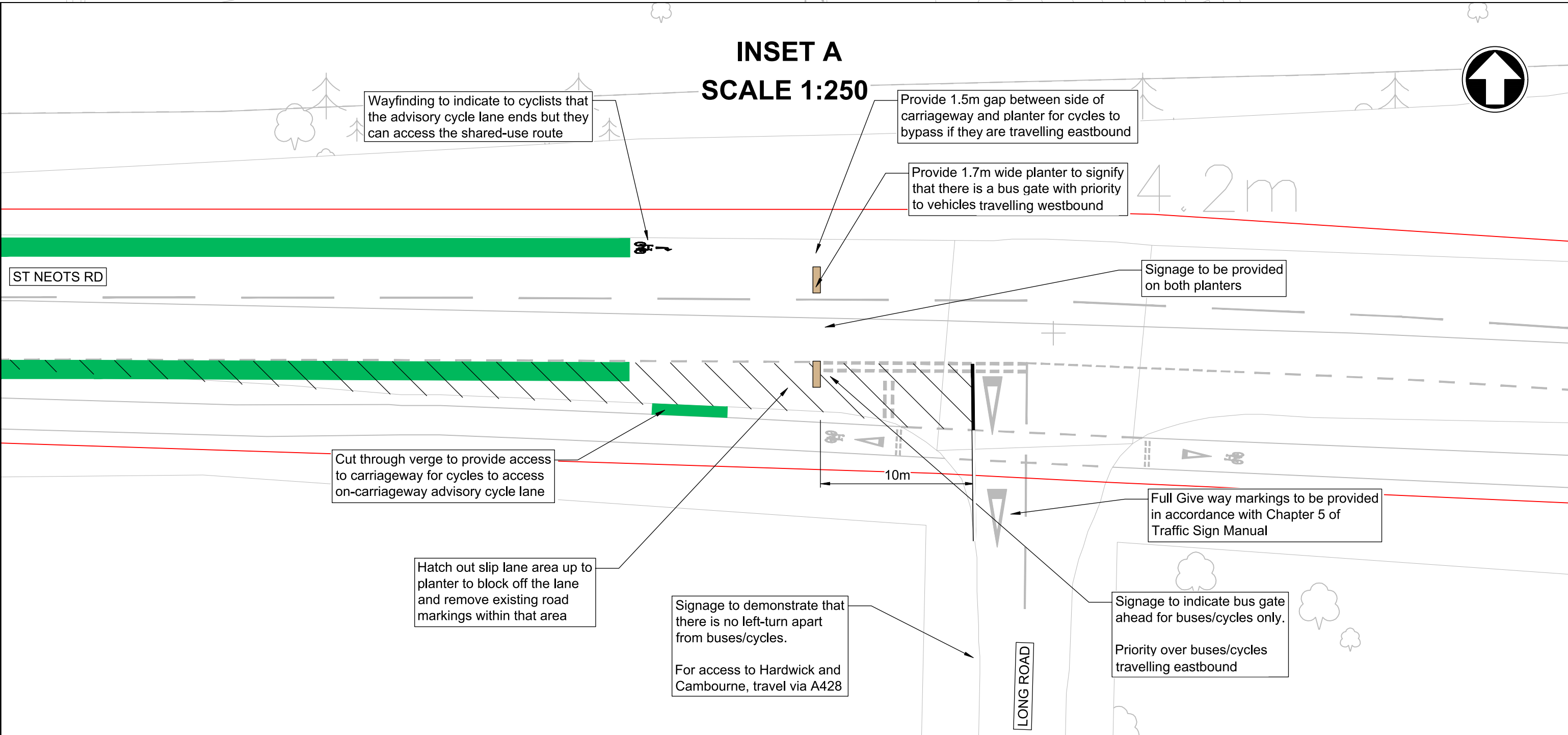
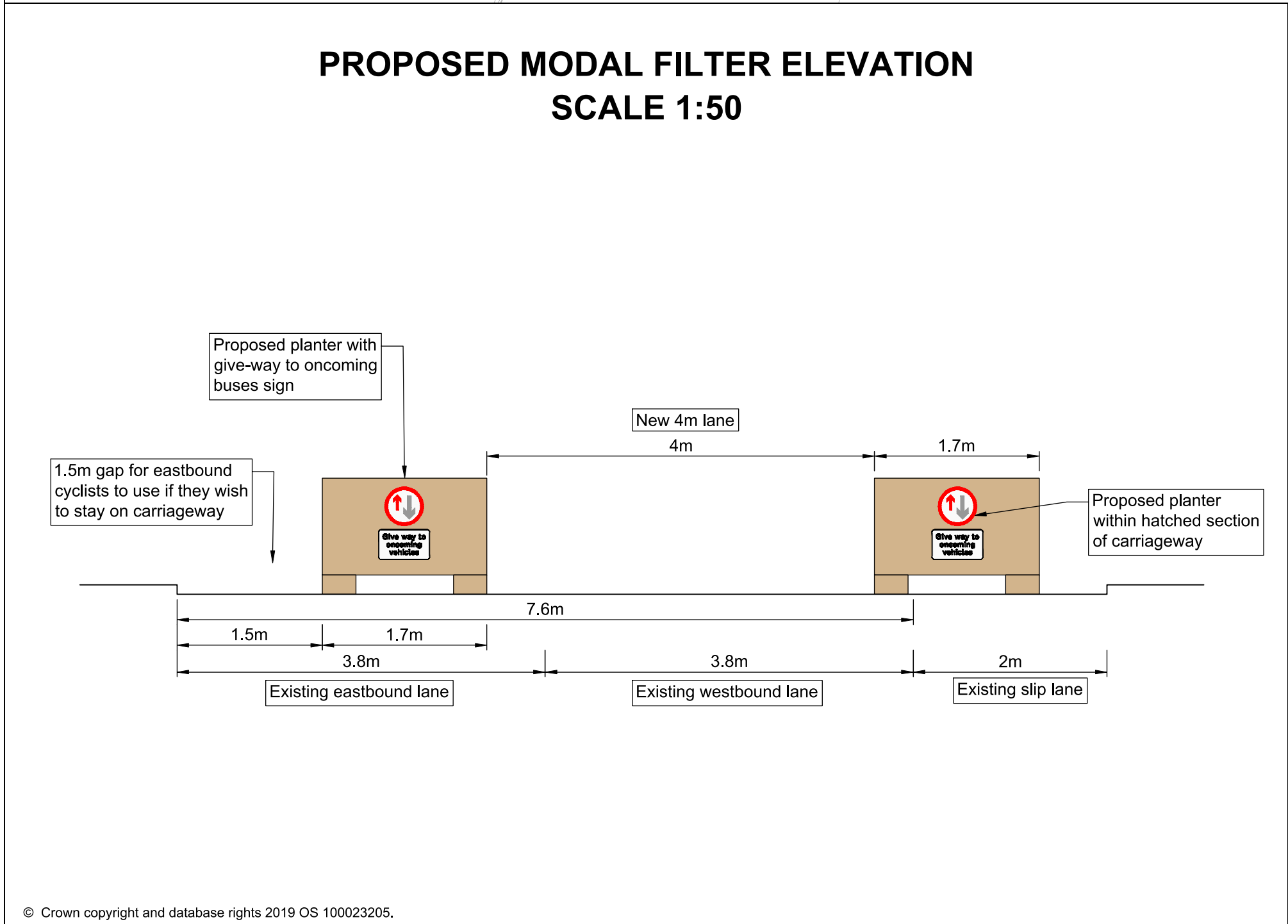
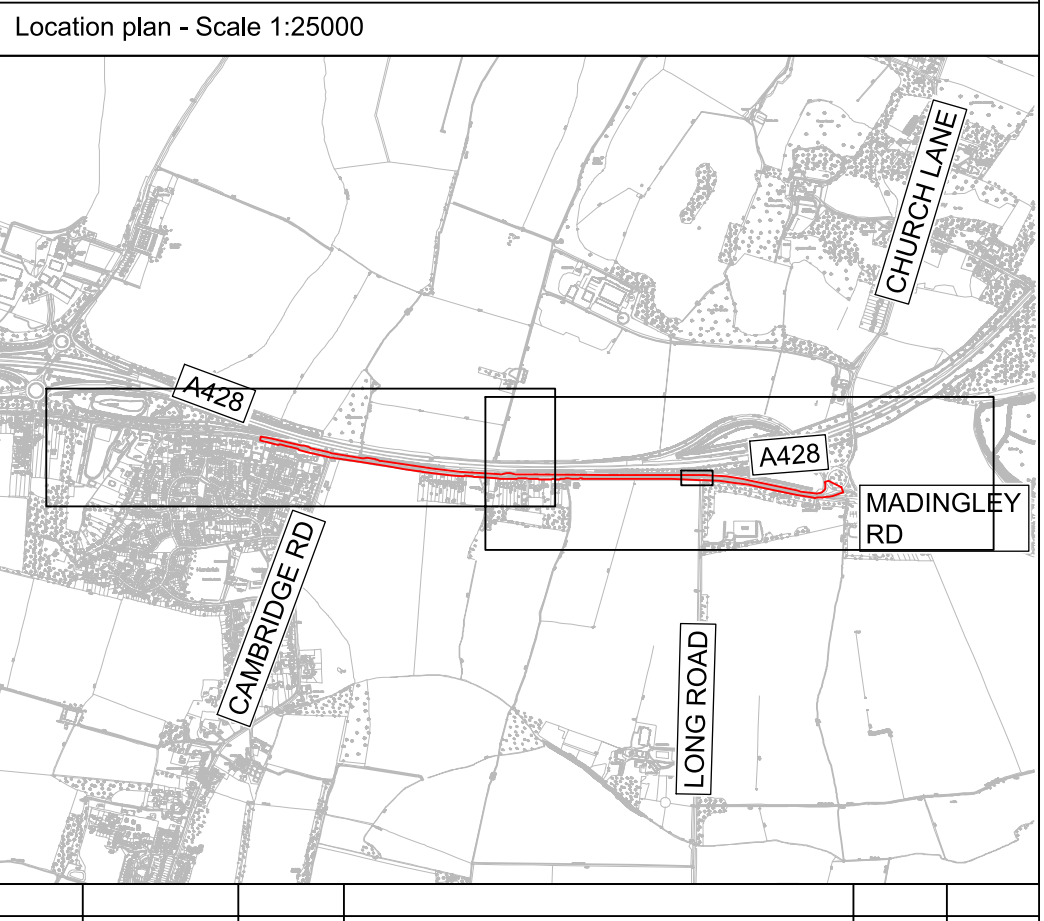
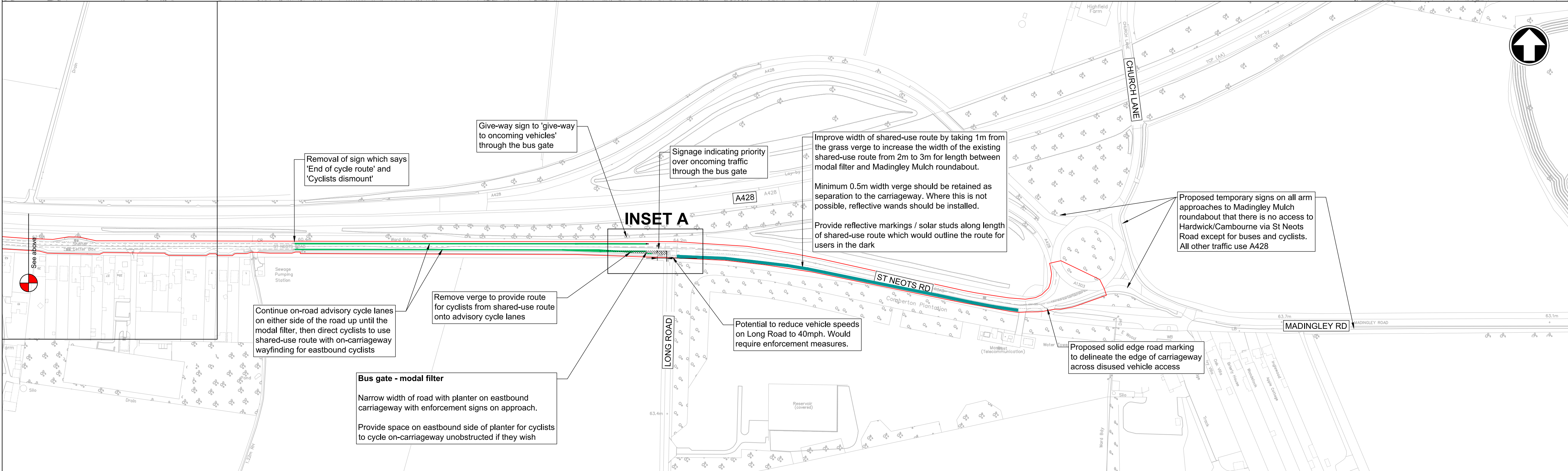
9. Closure of Meeting



- Notes
1. Do not scale from this drawing.
 2. The proposed design is based on available OS mapping only.
 3. The setting out dimensions shall be verified on site with any discrepancies reported to Mott MacDonald prior to proceeding.
 4. Where existing road markings and street furniture are shown, they are indicative and for the purposes of illustrating proposed design arrangements only. If the existing arrangement does not reflect the actual arrangement on site, the Contractor shall inform Mott MacDonald team for further review prior to installation.
 5. Utility investigation has not been undertaken during the development of the design. The Contractor shall obtain utility records and undertake appropriate site surveys prior any excavation works.

Key to symbols

- Boundary line
- Proposed Features
- Existing Features



P1	14/05/21	MJ	First issue	CK	OD
Rev	Date	Drawn	Description	Ch'k'd	App'd
<div>M M MOTT MACDONALD</div>			<div>Mott MacDonald 22 Station Road Cambridge, CB1 2JD United Kingdom T +44 (0)1223 463 500 F +44 (0)1223 461 007 W mottmac.com</div>		
Client					
<div><div>Cambridgeshire County Council</div></div>					
Title					
Cambridgeshire Active Travel St Neots Road, Hardwick - C01 General Arrangement					
Designed	J.Coonan	JC	Eng check	C.Kwok	CK
Drawn	M.Janowicz	MJ	Coordination	C.Kwok	CK
Dwg check	P.Zajac	PZ	Approved	O.Daffarn	OD
Scale at A1	Status	Rev		Security	
AS SHOWN	PRE	P1		STD	

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.

1. Introduction

South Cambridgeshire District Council is situated in the County of Cambridgeshire and contains 102 villages in total. The Council area has an approximate population of 156,500 covering an area of 90,163 hectares. South Cambridgeshire is essentially a rural area. Its areas are shown in the map below.



Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Act policy, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties be consulted by licensing authorities:

- The Chief Constable
- 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.

List of persons this authority will consult with:

- Gambling Commission
- Cambridgeshire police service
- Social Services
- Gamcare and local community organisations that are known to SCDC as working with gamblers
- Parish Councils

- 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. 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.

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)